

#3  
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**Exide Technologies**  
364 Exide Drive  
Bristol, TN 37620  
423.989.6894 tel  
423.989.5396 fax  
www.exideworld.com

October 18, 2007

United States Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, MO 63101

RE: Exide Technologies-Bristol, TN  
Payment to Consent Agreement and Final Order  
Docket Number CERCLA-04-2008-2000(b)

To Whom It May Concern,

Exide Technologies (Exide) herein provides the Environmental Protection Agency (EPA) the signed Consent Agreement and Final Order (CAFO) that was last issued to Exide on October 3, 2007. The CAFO was originally issued on July 9, 2007. Exide and EPA have come to terms with the closure of these findings and proper actions that have been taken.

Attached to this cover letter is a check for \$5,281.00, payable to the EPA Hazardous Substances Superfund. Upon receipt of this check within the 30-day period from the issuance of the CAFO, Exide understands that this closes the violation. The Supplemental Environmental Project (SEP) was completed and approved by the EPA.

Please find the attached copy of the final CAFO. If you have any questions, please contact me at 1-423-989-6894.

Sincerely,


A handwritten signature in black ink, appearing to read "Michael Fox". The signature is stylized with a large, looped "M" and a cursive "Fox".

Michael Fox  
Environmental Manager

Cc: Regional Hearing Clerk/EPA  
Lawrence Fincher/EPA  
Saundi Wilson/EPA  
Fred Ganster/Exide

Please direct all questions and inquiries to Exide Technologies AP Vendor Support Group at 1-877-EXIDEAP (1-877-394-3327) or e-mail EXIDEAP@EXIDE.com. Thank you!

Remittance Advice

		Exide Technologies 13000 Deerfield Parkway Bldg 200 Alpharetta, GA 30004		Check Number: (b)(4) Confidential	Check Date: 10/10/07	Page 1 of 1
Invoice Number	Invoice Date	Description	Gross Amount	Discount Amount	Check Amount	
100307C	10/03/07	EPA PENALTY 10/6 ACID SPILL	5,281.00		5,281.00	
		TOTALS:	5,281.00		5,281.00	

Return to Bristol

Michael Fox

THE FACE OF THIS DOCUMENT CONTAINS A COLORED BACKGROUND AND THE BACK CONTAINS AN EXIDE TECHNOLOGIES FACSIMILE WATERMARK WHICH CAN BE SEEN AT AN ANGLE



Mellon Bank NA., Pittsburgh, PA.

No. (b)(4) Confidential Business

60-160  
433

13000 Deerfield Parkway Bldg 200  
Alpharetta, GA 30004

270545

DATE  
10/10/07

AMOUNT  
\*\*\*\*\*5,281.00

FIVE THOUSAND TWO HUNDRED EIGHTY ONE AND 00/100 \*\*\*\*\*

PAY  
TO THE  
ORDER OF

EPA HAZARDOUS SUBSTANCES SUPERFUND  
US ENVIRONMENTAL PROTECTION AGENCY  
CINCINNATI ACCOUNTING OPERATIONS  
MELLON LOCK BOX 371099M  
ATTN:COLLECTION OFFICER IN SUPERFUND  
PITTSBURGH PA 15257



Docket # CERCLA-04-2008-200066

(b)(4) Confidential Business Information

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**CASE CONCLUSION DATA SHEET**

(To be Submitted to OEA When:

- (1) Judicial Consent Decrees/Orders are Entered by Court  
 (2) Administrative Penalty Settlements are Filed, Along with an Administrative Action Data Sheet  
 (3) Administrative Non-Penalty Orders are Issued, Along with an Administrative Action Data Sheet)

**Note: Form will be returned if this section is incomplete:**Name of Person Completing Form: Lawrence FincherDate: 4/25/07Signature of Program Office Supervisor or Designee: C. B. TalenDate: 9/14/07**A. Case and Facility Background**1. Court Docket/Regional Hearing Clerk Docket No. CERCLA-04-2008-2000(b)2. Case Name Exide Technologies

## 3. Settlement Action Type:

☐ (a) Consent Decree or Court Order Resolving a Civil Judicial Action☒ (b) Administrative Penalty Order (with Injunctive Relief)☐ (c) Superfund Administrative Cost Recovery Agreement☐ (d) Federal Facility Compliance Agreement (NOT including RCRA Matters)☐ (e) Field Citations☐ (f) Administrative Compliance Orders☐ (g) Notice of Determination (Self-Disclosure Cases)4(a) EPA Lead Attorney Lawrence Fincher Phone No. 404-562-4(b) EPA Program Contact Lawrence Fincher Phone No. 404-562-91905. Was An Environmental Management System Requested? ☐ Yes ☒ No6. Action Dates (Complete **EITHER** Administrative or Judicial):

Administrative:

Issued/Filed 10/3/2007 Final Order

Judicial:

Settlement Lodged \_\_\_\_\_ Settlement Entered \_\_\_\_\_

**Estimated Termination Date:**8. Statute(s) and Section(s) **Violated** (NOT Authorizing Section Nor CFR):CERCLA / 103 ; \_\_\_\_\_ / \_\_\_\_\_ ; \_\_\_\_\_ / \_\_\_\_\_ ; \_\_\_\_\_ /**Authorizing** Section for Administrative Actions: CERCLA /1099. Facility Names Exide Technologies State TNHow Many Facilities Are Associated With This Action? 1Are Any of These Facilities Located Outside Region IV? ☐ Yes ☒ No



**C. Supplemental Environmental Project (SEP) Information (Not Applicable)**

15. Is Environmental Justice Addressed by SEP? ☒ Yes ☐ No

16. SEP Description Installation of a roof over its sulfuric acid tank farm. The roof project will consist of installing structural steel columns, beams and trusses along with metal or fiberglass roof panels (approximately 9,000 square feet).

17. Categories of SEPs (Check all appropriate categories. If no, proceed to #25)

☐ (a) Public Health

☐ (b) Pollution Prevention (Complete Question #19)

☐ (1) Equipment/Technology Modifications

☐ (2) Process/Procedure Modifications

☐ (3) Product Reformulation/Redesign

☐ (4) Raw Material Substitution

☐ (5) Improved Housekeeping/O&M/Training/Inventory Control

☐ (6) In-Process Recycling

☐ (7) Energy Efficiency/Conservation

☒ (c) Pollution Reduction (Complete Question #19)

☐ (d) Environmental Restoration and Protection

☐ (e) Assessments and Audits

☐ (f) Environmental Compliance Promotion

☐ (g) Emergency Planning and Preparedness

☐ (h) Other Program Specific SEP (Specify)

18. Cost of SEP. Cost Calculated by the PROJECT Model is Preferred. \$ 137,000

19. Quantitative Environmental Pollutants and/or Chemicals and/or Waste Streams, Amount of Reductions/Eliminations (e.g. Emissions/Discharges)

Pollutants/Chemical Waste Stream	Annual Amount <b>CHECK ONE:</b> <input checked="" type="checkbox"/> Reduced <input type="checkbox"/> Eliminated <input type="checkbox"/> Treated	Units**  pounds	Potentially Impacted Media***  soil
----------------------------------	--	-----------------------	---

\*\*Acceptable Units:

Pounds Per Year - 500

People

Acres

Linear Feet (Small Stream)

Linear Feet (Medium Stream)

Linear Feet (Large Stream)

Gallons Per Year

Pounds

\*\*\*Acceptable Impacted Medias:

Air

X - Land

Water (Navigable/Surface

Water (Wetlands)

Water (Wastewater to POTW)

Water (Underground Source of

Drinking Water

Water (Ground)

Animals/Plants/Humans  
Buildings/Houses/Schools

## ALL STATUTES

### FACILITY/SITE MANAGEMENT AND INFORMATION PRACTICES (FMIP)

(Actions That Do Not Result in Pollutant Reductions/Eliminations)

Cost: \$ 100 (REQUIRED! Form will be returned if this field is blank!)

- ☐ Testing/Sampling
- ☐ Auditing
- ☐ Labeling
- ☐ Recordkeeping
- ☒ Reporting
- ☐ Information Letter Response
- ☐ Financial Responsibility Requirements
- ☐ Environmental Management Review
- ☐ RI/FS or RD (CERCLA)
- ☐ Site Assessment/Characterization (CERCLA)
- ☐ Provide Site Access (CERCLA)
- ☐ Monitoring
- ☐ UST Release Detection
- ☐ Stormwater Site Inspections
- ☐ Asbestos Inspections
- ☐ Training
- ☐ Planning
- ☐ Permit Application
- ☐ Work Practices
- ☐ Notification (TSCA Section 6)
- ☐ Leak Detection (CAA)
- ☐ Spill Notification
- ☐ Develop/Implement CMOM Program (CWA)
- ☐ Establishment Registered (FIFRA)
- ☐ Establishment Terminated (FIFRA)

Has EPA Taken Previous Formal Enforcement Action Regarding These Violations? (Does Not Include NOV's)

☐ Yes ☒ No

If Yes, Docket Numbers of Previous Actions:

# ADMINISTRATIVE ACTION DATA SHEET

(To Be Submitted to OEA When:

- (1) a Complaint is Filed;
- (2) When a CAFO(b) Filed, Along with a Case Conclusion Data Sheet
- (3) a Non-Penalty Order is Issued; Along with a Case Conclusion Data Sheet)

1. Court Docket/Regional Hearing Clerk Docket No. CERCLA-04-2007-2034(b)

2. Case Name Exide Technologies

EPA Lead Attorney \_\_\_\_\_ Phone No. 404-562-

EPA Program Contact Lawrence Fincher Phone No. 404-562-9190

## Facility Information

Information for One Facility (If More Facilities, Attach Additional Pages.)

(Use Location of Site of Violation; **DO NOT** use a P.O. Box #.)

9. Facility 1: Name Exide Technologies

Street Address 364 Exide Drive County \_\_\_\_\_

City Bristol State TN Zip Code 37620

10. Facility 2: Name \_\_\_\_\_

Street Address \_\_\_\_\_ County \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Primary 4-Digit SIC Code 3691 (b) Other 4-Digit SIC Codes 3692

EPA FRS No. 110000372169 (ICIS 600011624

Is This a Federal Facility? ☐ Yes ☐ No Is This Indian Land? ☐ Yes ☐ No

Yes, What Tribe? \_\_\_\_\_

Is This a Small Business? ☐ Yes ☐ No

("A person, corporation, partnership, or other entity that employs 100 or fewer employees.")

(b)(5) Inter-agency or Intra-agency Communications

(b)(5) Inter-agency or Intra-agency Communications

Note: Question Numbers Correspond with the Case Conclusion Data Sheet Guidance Booklet, Dated August 2004.  
If You Have Any Questions, Please Contact Teresa Shirley-Wright at 2-9647 or Priscilla Johnson at 2-9614.



8. Statute(s) and Section(s) Violated (**NOT** Authorizing Section Nor CFR):

CERCLA / 103 ;            /            ;            /           

Authorizing Section for Administrative Actions: CERCLA / 109

If CERCLA, Is the Site on the NPL?        Yes        No

12. CFR Violation Citation(s):

40 CFR Part 302.6 Section

Is this a MULTI-MEDIA action?        Yes        No

If Yes, check all that apply:

CAA:

- Mobile Source (Title II)
- Stationary Source (Other Than Title II)
- Prevention of Accidental Releases (112(r))

CERCLA:

       Hazardous Site Response (CERCLA Superfund  
Other Than 103 and/or RCRA 3013 or 7003

CWA:

- NPDES (Other Than 311 and 404)
- Oil Pollution (311)
- Wetlands (404)

EPCRA or EPCRA/CERCLA

- Community Right-to-Know (313)
- Release Notification/Emergency Preparedness  
(Non-313 and/or CERCLA 103)

FIFRA:

       Pesticides

MPRSA:

       Ocean Dumping

RCRA:

- Hazardous Waste Mgmt (Subtitle C)
- Solid Waste Mgmt (Subtitle D)

SDWA:

       Public Water Supply (1414 et seq.)

       UIC (1421 et seq.)

TSCA:

- Asbestos Hazardous Emergency Response  
Act (201)
- Lead Exposure Reduction (409)
- PCBs (6(e))
- Toxic Substances (Other Than Lead or PCBs)

UST:

       Underground Storage Tanks (Subtitle I)

Was The Agency Activity Taken in Response to Environmental Justice Concerns?        Yes        ☒ No

Date Complaint Filed: \_\_\_\_\_

**Proposed Penalty Amount \$ 32,500**

(Should be Amount Prior to Reductions Using a  
Penalty Policy.)

Is This An Amended Complaint: ☐ Yes ☒ No AND/OR Proposed Cost

Recovery Amount \$

#### Self Disclosure Information

Did Company Self-Disclose Violations? ☐ Yes ☒ No

Does Company Have Less Than 100 Employees? ☐ Yes ☐ No  
(Note: If Yes, Treat As If Violations Were Disclosed Under EPA's Small Business Policy)

Date Violations Disclosed: \_\_\_\_/\_\_\_\_/\_\_\_\_

#### NO INSPECTION CONDUCTED

Has the Inspection Information Been Entered into ICIS? ☒ Yes ☐ No

If Yes, What is the ICIS Compliance Monitoring Activity Name (Exactly): Exide Technologies Sulfuric Acid release (incident)

What Type of Inspection was Conducted (Statute/Section)? No inspection - release

Date of Inspection: Date of release - 10 / 8 / 06

## Violation Types

### EPCRA & EPCRA/CERCLA

☒ CERCLA Reportable Quantity  
Discharge Violation

☐ Toxics Release Inventory (Section 313)

☐ Violation of Requirement to Monitor/  
Maintain Records

☐ Violation of Reporting Requirements

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4**

IN THE MATTER OF )

Exide Technologies )

Respondent. )

) Docket Number: CERCLA-04-2008-2000(b)

CONSENT AGREEMENT AND FINAL ORDER

I. Nature of the Action

1. This is a civil penalty proceeding pursuant to Section 109 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. § 9609 and pursuant to the Consolidated Rules of Practice Governing Administrative Assessment of Civil Penalties, and the Revocation/Termination or Suspension of Permits (Consolidated Rules), codified at 40 CFR Part 22. Complainant is the Director of the Air, Pesticides and Toxics Management Division, Region 4, United States Environmental Protection Agency (EPA). Respondent is Exide Technologies.

2. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 CFR § 22.18 and desire to resolve this matter and settle the allegations described herein without a formal hearing. Therefore, without the taking of any evidence or testimony, the making of any argument, or the adjudication of any issue in this matter, and in accordance with 40 CFR § 22.13(b), this Consent Agreement and Final Order (CAFO) will simultaneously commence and conclude this matter.

II. Preliminary Statements

3. The authority to take action under Section 109 of CERCLA, 42 U.S.C. § 9609 is vested in the Administrator of EPA. The Administrator of EPA has delegated this authority under CERCLA to the Regional Administrators by EPA Delegation 14-31 dated May 11, 1994. The Regional Administrator, Region 4, has redelegated to the Director, Air, Pesticides and Toxics Management Division, the authority under CERCLA by EPA Region 4 Delegation 14-31 dated March 8, 1999, and updated August 6, 2004. Pursuant to this delegation, the Director of the Air, Pesticides and Toxics Management Division has the authority to commence an enforcement action as the Complainant in this matter.

4. Respondent is a corporation, doing business in the State of Tennessee.

5. Respondent is a "person" as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).
6. Respondent has a "facility" as that term is defined by Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).
7. Respondent's facility is located at 364 Exide Drive, Bristol, Tennessee.
8. Respondent is an "owner or operator" of the facility as that term is defined by Section 101 (20)(A) of CERCLA, 42 U.S.C. § 9601(20)(A).
9. Section 102(a) of CERCLA, 42 U.S.C. § 9602(a), required the Administrator of EPA to publish a list of substances designated as hazardous substances which, when released into the environment, may present substantial danger to public health or welfare or the environment and to promulgate regulations establishing the quantity of any hazardous substance the release of which was required to be reported under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a). EPA has published and amended such a list, including the corresponding reportable quantities (RQ) for those substances. This list initially published on April 4, 1985 (50 Fed. Reg. 13474) and with later amendments, is codified at 40 CFR Part 302.
10. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and the regulations found at 40 CFR § 302.6, require a person in charge of a facility or vessel, as soon as he or she has knowledge of a release of a hazardous substance from such facility or vessel in an amount equal to, or greater than the reportable quantity (RQ), to immediately notify the National Response Center (NRC).
11. Respondent was in charge of the facility during the relevant period described below.
12. Sulfuric acid is a hazardous substance as that term is defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), with an RQ of 1,000 pounds, as specified in 40 CFR § 302.4.
13. On October 8, 2006, Respondent had a release of sulfuric acid above the RQ at the facility.
14. EPA alleges that Respondent violated the notification requirements of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), by failing to immediately notify the NRC as soon as Respondent had knowledge of the release of sulfuric acid in an amount equal to or greater than its RQ at Respondent's facility and is therefore subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

15. Pursuant to Section 109 of CERCLA, 42 U.S.C. § 9609, and 40 CFR Part 19, EPA may assess a penalty not to exceed \$32,500 for each violation of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a). Each day a violation of Section 103 continues constitutes a separate violation. Civil penalties under Section 109 of CERCLA, 42 U.S.C. § 9609, may be assessed by an Administrative Order.

### III. Consent Agreement

16. For the purposes of this CAFO, Respondent admits the jurisdictional allegations set out above but neither admits nor denies the factual allegations set out above.

17. Respondent waives any right to contest the allegations and its right to appeal the proposed final order accompanying the Consent Agreement.

18. Respondent consents to the assessment of and agrees to pay the civil penalty as set forth in this CAFO.

19. Respondent agrees to complete the Supplemental Environmental Project (SEP) set forth in this CAFO.

20. Respondent certifies that as of the date of its execution of this CAFO, it is in compliance with all relevant requirements of CERCLA.

21. Compliance with the CAFO shall resolve the allegations of violations contained herein. This CAFO shall not otherwise affect any liability of Respondent to the United States other than as expressed herein. Neither EPA nor Complainant waives any right to bring an enforcement action against Respondent for violation of any federal or state statute, regulation or permit, to initiate an action for imminent and substantial endangerment, or to pursue criminal enforcement.

22. Complainant and Respondent agree to settle this matter by their execution of this CAFO. The parties agree that the settlement of this matter is in the public interest and that this CAFO is consistent with the applicable requirements of CERCLA.

### IV. Final Order

23. Respondent is assessed a civil penalty of FIVE THOUSAND TWO HUNDRED EIGHTY-ONE DOLLARS (\$5,281) for the CERCLA violation which shall be paid within thirty (30) days of the effective date of this CAFO.

24. Respondent shall pay the CERCLA civil penalty by forwarding a cashier's or certified check, payable to "EPA Hazardous Substance Superfund" to the following address:

U.S. MAIL:

U.S. Environmental Protection Agency  
Box 371099M  
Pittsburgh, PA 15251

OVERNIGHT:

Mellon Client Service Center  
Attn: Shift Supervisor, Room 0690  
Lockbox 371099M  
500 Ross Street  
Pittsburgh, PA 15262-0001

The check shall reference on its face the name and the Docket Number of the CAFO.

25. At the time of payment, Respondent shall send a separate copy of the check, and a written statement that payment has been made in accordance with this CAFO, to the following persons at the following addresses:

Regional Hearing Clerk  
U.S. EPA, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

Lawrence Fincher  
U.S. EPA, Region 4  
Air, Pesticides & Toxics Management Division  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

Saundi Wilson  
U.S. EPA, Region 4  
Office of Environmental Accountability  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

26. Respondent shall undertake and complete, in accordance with the approved SEP in this matter, the following Pollution Reduction project to be completed within 120 days of the effective date of this CAFO. Exide Technologies will purchase the necessary materials and construct a roof over its sulfuric acid tank farm. The roof project will consist of installing structural steel columns, beams and trusses along with metal or fiberglass roof panels (approximately 9,000 square feet). Exide has estimated the cost of construction for the project to be ONE HUNDRED THIRTY-SEVEN THOUSAND DOLLARS (\$137,000). EPA has agreed to value the SEP at \$19,805. In order for Respondent to receive credit for the SEP, it must fully and timely complete the SEP project. If Respondent does not fully and timely complete the project, it shall be required to pay a stipulated penalty pursuant to paragraph 31 herein, irrespective of the amount of money the Respondent has spent.

27. Respondent agrees that EPA may inspect the facility at any time in order to confirm that the SEP is being undertaken in conformity with the representations made herein.

28. No later than thirty (30) calendar days after the completion of the project, Respondent shall submit to EPA a SEP Completion Report. The Report shall be sent to the EPCRA Enforcement Section, to the attention of Lawrence Fincher, at the address provided above. The Report shall include the following:

(a) an affidavit from an authorized company official, attesting that the SEP has been completed or explaining in detail any failure to complete it; and

(b) copies of appropriate documentation, including invoices and receipts, showing a total amount of ONE HUNDRED THIRTY-SEVEN THOUSAND DOLLARS (\$137,000) was spent on the purchase of materials and installation to complete this project described in paragraph 26. Upon request, Respondent shall send EPA any additional documentation requested by EPA.

29. Respondent certifies that, as of the date this CAFO is signed, it is not required to perform any part of the SEP by any federal, state or local law, regulation, permit or order, or by any agreement or grant. Respondent further certifies that, as of this date, it has not received and is not negotiating to receive, credit for any part of the SEP in any other enforcement action of any kind.

30. Any public statement, oral or written, by Respondent making any reference to the SEP shall include the following language:

"This project was undertaken in connection with the settlement of enforcement action taken by the U.S. Environmental Protection Agency for violation of Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act."

31. If Respondent fails to timely and fully complete the required SEP project (construction of a roof over the sulfuric acid tank farm) according to paragraph 26 of this Consent Agreement and Final Order, Respondent shall pay a stipulated penalty to EPA in the amount of NINETEEN THOUSAND EIGHT HUNDRED AND FIVE DOLLARS (\$19,805.00).

For purposes of this paragraph, whether Respondent has fully and timely completed the SEP and whether Respondent made a good faith effort to do so shall be in the sole discretion of EPA.

32. If Respondent fails to timely submit a SEP Completion Report as required by this CAFO, Respondent shall pay to the United States a stipulated penalty of \$100 for each calendar day the report is late.

33. Respondent shall pay any stipulated penalties that accrue under this CAFO within 15 calendar days of the receipt by Respondent of written demand from EPA for such penalties. Such penalties shall be paid in accordance with the procedures set forth above for the payment of



the civil penalty. If Respondent believes the demand for payment of any stipulated penalty is erroneous or contrary to law, Respondent may request a meeting with the Director, Air, Pesticides & Toxics Management Division.

34. Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on the civil penalty from the date of entry of the CAFO if the penalty is not paid by the date required. Interest will be assessed at the rate established by the Secretary of Treasury pursuant to 31 U.S.C. § 3717. A charge will be assessed to cover the costs of debt collection, including processing and handling costs and attorney fees. In addition, a penalty charge will be assessed on any portion of the debt that remains delinquent more than ninety (90) days after payment is due.

35. Complainant and Respondent shall bear their own costs and attorney fees in this matter.

36. This CAFO shall be binding upon the Respondent, its successors, and assigns.

37. The following individual represents EPA in this matter and is authorized to receive service for EPA in this proceeding:

Caron B. Falconer  
U.S. EPA, Region 4  
Air Pesticides & Toxics Management Division  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
(404) 562-8451

38. Each undersigned representative of the parties to this CAFO certifies that he or she is fully authorized by the party represented to enter into this CAFO and legally bind that party to it.

V. Effective Date

39. The effective date of this CAFO shall be the date on which the CAFO is filed with the Regional Hearing Clerk.

## AGREED AND CONSENTED TO:

Exide Technologies

By: Name: JAMES E. YORKTitle: PLANT MGR.Date: 8/16/07

(Typed or Printed)

(Typed or Printed)

U.S. Environmental Protection Agency

By: 

Beverly H. Banister, Director

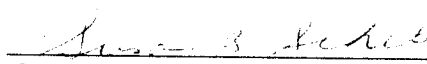
Air, Pesticides &amp; Toxics

Management Division

Region 4

Date: 7/2/07

APPROVED AND SO ORDERED this 2<sup>nd</sup> day of October, 2007.

  
Susan B. Schub

Regional Judicial Officer

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing  
Consent Agreement and Final Order, In the Matter of Exide Technologies, Docket  
No. CERCLA-04-2008-2000(b), on the parties listed below in the manner indicated:

Caron B. Falconer  
U.S. EPA, Region 4  
61 Forsyth Street  
Atlanta, GA 30303

(Via EPA's internal mail)

Nancy Tommelleo  
U.S. EPA, Region 4  
Office of Environmental Accountability  
61 Forsyth Street  
Atlanta, GA 30303

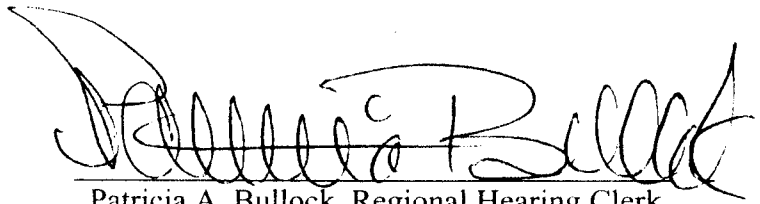
(Via EPA's internal mail)

Mr. Michael Fox  
Environmental Manager  
Exide Technologies  
364 Exide Drive  
Bristol, TN 37620

(Certified Mail - Return Receipt Requested)

Date:

10-3-07



Patricia A. Bullock, Regional Hearing Clerk  
United States Environmental  
Protection Agency, Region 4  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, GA 30303  
(404) 562-9511

**EPA ACCOUNTS RECEIVABLE CONTROL NUMBER FORM**

**TO BE COMPLETED BY THE ORIGINATING OFFICE:**

(Attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: Saundi J. [unclear] on 10/1/07  
(Name) (Date)

in the OEH at (404) 562-9524  
(Office) (Telephone Number)

☐ Non-SF Judicial Order/Consent Decree  
USAO COLLECTS

☒ Administrative Order/Consent Agreement  
FMO COLLECTS PAYMENT

☐ SF Judicial Order/Consent Decree  
DOJ COLLECTS

☐ Oversight Billing - Cost Package required:  
Sent with bill

☐ Other Receivable

☐ Not sent with bill

☐ This is an original debt

☐ Oversight Billing - Cost Package not required

☐ This is a modification

PAYEE: Exide Technologies  
(Name of person and/or Company/Municipality making the payment)

The Total Dollar Amount of the Receivable: \$ 5281  
(If installments, attach schedule of amounts and respective due dates. See Other side of this form.)

The Case Docket Number: PERCLA 04 2008-2000 (5)

The Site Specific Superfund Account Number: \_\_\_\_\_

The Designated Regional/Headquarters Program Office: \_\_\_\_\_

**TO BE COMPLETED BY LOCAL FINANCIAL MANAGEMENT OFFICE:**

The IFMS Accounts Receivable Control Number is: \_\_\_\_\_ Date: \_\_\_\_\_

If you have any questions, please call: \_\_\_\_\_ of the Financial Management Section at: \_\_\_\_\_

**DISTRIBUTION:**

A. **JUDICIAL ORDERS:** Copies of this form with an attached copy of the front page of the **FINAL JUDICIAL ORDER** should be mailed to:

- |  |   |
|--|---|
| 1. Debt Tracking Officer<br>Environmental Enforcement Section<br>Department of Justice RM 1647<br>P.O. Box 7611, Benjamin Franklin Station<br>Washington, D.C. 20044 | 2. Originating Office (EAD)<br>3. Designated Program Office |
|--|---|

B. **ADMINISTRATIVE ORDERS:** Copies of this form with an attached copy of the front page of the Administrative Order should be to:

- |  |   |
|--|---|
| 1. Originating Office<br>2. Regional Hearing Clerk | 3. Designated Program Office<br>4. Regional Counsel (EAD) |
|--|---|

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## Spill Summary Report for NRC Report #814087

Report Date: 4/5/2017

Report Time: 9:23 AM EDT

## Region IV Hotline Log Entry Information

Data ID: 288678

Date Of Report: 09-OCT-06

NRC #: 814087

State #: NONE

ERNS #:

Material Type: Haz

Receiver:

Material / Amount:

SULFURIC ACID (4000 GALLON(S))

Location:

City: BRISTOL  
County: SULLIVAN  
State: TN

Source of Pollution:

Water Body:

State Or EPA Responded:

Initial EPA Action:

Status:

URL:

## NRC Spill Report

NATIONAL RESPONSE CENTER 1-800-424-8802

\*\*\*GOVERNMENT USE ONLY\*\*\*GOVERNMENT USE ONLY\*\*\*

Information released to a third party shall comply with any applicable federal and/or state Freedom of Information and Privacy Laws

Incident Report # 814087

INCIDENT DESCRIPTION

\*Report taken by: CIV KEVIN WILLIAMS at 10:12 on 09-OCT-06

Incident Type: PIPELINE

Incident Cause: EQUIPMENT FAILURE

Affected Area:

The incident occurred on 08-OCT-06 at 11:00 local time.

Affected Medium: OTHER    CONTAINED ONSITED STORM DRAIN.

REPORTING PARTY

Name:            MICHAEL FOX

Organization:   EXIDE TECHNOLOGIES

Address:        364 EXIDE DRIVE

BRISTOL, TN 37620

EXIDE TECHNOLOGIES called for the responsible party.

PRIMARY Phone: (423)9896894

INCIDENT LOCATION

364 EXIDE DRIVE County: SULLIVAN

City: BRISTOL State: TN Zip: 37620

RELEASED MATERIAL(S)

CHRIS Code: SFA    Official Material Name: SULFURIC ACID

Also Known As:

Qty Released: 4000 GALLON(S)

DESCRIPTION OF INCIDENT

CALLER STATED A FAILED CHECK VALVE ON A 4" PVC LINE RESULTED IN A SPILL OF MATERIALS INTO A CONTAINED ONSITED STORM DRAIN. NO OFFSITE IMPACT.

SENSITIVE INFORMATIONINCIDENT DETAILS

Pipeline Type: OTHER  
 DOT Regulated: UNKNOWN  
 Pipeline Above/Below Ground: ABOVE  
 Exposed or Under Water: NO  
 Pipeline Covered: UNKNOWN

---

IMPACT

Fire Involved: NO      Fire Extinguished: UNKNOWN  
 INJURIES: NO      Hospitalized:      Empl/Crew:      Passenger:  
 FATALITIES: NO      Empl/Crew:      Passenger:      Occupant:  
 EVACUATIONS: NO      Who Evacuated:      Radius/Area:  
 Damages: NO

---

<u>Closure Type</u>	<u>Description of Closure</u>	<u>Hours Closed</u>	<u>Direction of Closure</u>
Air:	N		
Road:	N		Major Art N
Waterway:	N		
Track:	N		

Passengers Transferred: NO  
 Environmental Impact: UNKNOWN  
 Media Interest: NONE      Community Impact due to Material: NO

---

REMEDIAL ACTIONS

CALLER STATED 3200 GALLONS OF A SPILL WAS RECOVERED AND THE REMAINING 800 GALLONS WAS SHOVELED UP WITH A NEUTRALIZING AGENT AND AN OIL ABSORBENT MATERIAL.  
 Release Secured: YES  
 Release Rate:  
 Estimated Release Duration:

---

REPORTING PARTY

Type of Organization: PRIVATE ENTERPRISE

---

SUSPECTED RESPONSIBLE PARTY

Name: MICHAEL FOX  
 Organization: EXIDE TECHNOLOGIES  
 Address: 364 EXIDE DRIVE  
 BRISTOL, TN 37620  
 PRIMARY Phone: (423) 9896894  
 Type of Organization: PRIVATE ENTERPRISE

---

WEATHER

Weather: SUNNY, 70f F

---

ADDITIONAL AGENCIES NOTIFIED

Federal: NONE  
 State/Local: NONE  
 State/Local On Scene: NONE  
 State Agency Number: NONE

---

NOTIFICATIONS BY NRC

DOT CRISIS MANAGEMENT CENTER (PRIMARY)  
 09-OCT-06 10:23 (202) 3661863  
 EPA OEM (PRIMARY)  
 (202) 5643850 GRIER  
 U.S. EPA IV (PRIMARY)  
 09-OCT-06 10:24 (404) 6504955 NO VERBAL

FEDERAL EMERGENCY MANAGEMENT AGENCY (PRIMARY)  
(800) 6347084 NO VERBAL  
GULF STRIKE TEAM (PRIMARY)  
(251) 4416601 NO VERBAL  
NATIONAL INFRASTRUCTURE COORD CTR (PRIMARY)  
09-OCT-06 10:23 (202) 2829201  
NOAA RPTS FOR TN (PRIMARY)  
09-OCT-06 10:23 (206) 5266344  
PIPELINE & HAZMAT SAFETY ADMIN (OFFICE OF PIPELINE SAFETY (AUTO))  
09-OCT-06 10:23 (202) 3660568  
SECTOR OHIO VALLEY (COMMAND CENTER)  
09-OCT-06 10:23 (502) 5825194  
TN EMERGENCY RESPONSE (PRIMARY)  
09-OCT-06 10:23 (615) 7410001  
VA DEPT EMERGENCY MANAGEMENT (PRIMARY)  
09-OCT-06 10:23 (804) 6742400  
STEVE SPURLIN EPAIV (STEVE SPURLIN EPAIV)  
09-OCT-06 10:23

---

ADDITIONAL INFORMATION

CALLER STATED DUE TO UPCOMING A RAIN FORCAST THEY WILL BE MONITORING THE PH IN  
STORM WATER RUN OFF.

---

\*\*\* END INCIDENT REPORT # 814087 \*\*\*

Report any problems or Fax number changes by calling 1-800-424-8802

PLEASE VISIT OUR WEB SITE AT <http://www.nrc.uscg.mil>



# ECHO

## Enforcement and Compliance History Online

### Detailed Facility Report

#### Facility Summary

##### EXIDE BATTERY PLANT

364 EXIDE DR., BRISTOL, TN 37620 ⓘ

FRS (Facility Registry Service) ID: 110000372169

EPA Region: 04

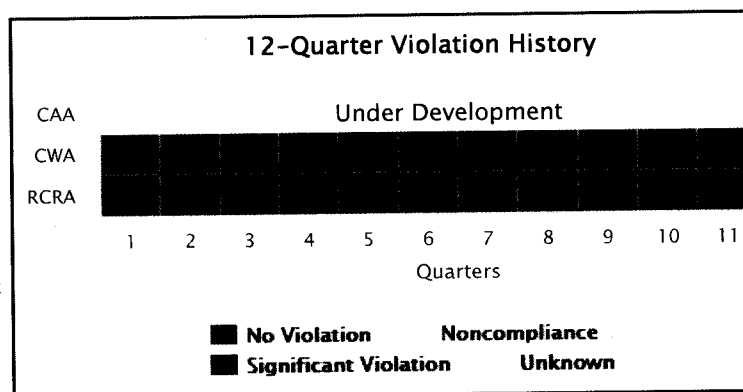
Latitude: 36.5246

Longitude: -82.2694

Locational Data Source: EIS

Industry: Electrical Equipment, Appliance, and Component Manufacturing

Indian Country: N



#### Enforcement and Compliance Summary ⓘ

Statute	Insp (5 Years)	Date of Last Inspection	Compliance Status	Qtrs in NC (Non-Compliance) (of 12)	Qtrs in Significant Violation	Informal Enforcement Actions (5 years)	Formal Enforcement Actions (5 years)	Penalties from Formal Enforcement Actions (5 years)	EPA Cases (5 years)	Penalties from EPA Cases (5 years)
CAA	3	05/20/2015		4	4	--	--	--	--	--
CWA	--	--	No Violation	0	0	--	--	--	--	--
RCRA	1	02/28/2014	No Violation	0	0	1	--	--	--	--

#### Related Reports

- A** [Air Pollutant Report](#)
- L** [CWA Pollutant Loading Report](#)
- E** [CWA Effluent Charts](#)

#### Regulatory Information

Clean Air Act (CAA): (TN0000004716300256)  
 Clean Water Act (CWA): Minor, Permit Effective (TNR051656)  
 Resource Conservation and Recovery Act (RCRA): Active (H ) LQG (TN0000590612)  
 Safe Drinking Water Act (SDWA): No Information

#### Other Regulatory Reports

Air Emissions Inventory (EIS): 3812811  
 Greenhouse Gas Emissions (eGGRT): No Information  
 Toxic Releases (TRI): 37620XD CRP364EX

#### Facility/System Characteristics

Statute	Source ID	System	Inspection Type	Lead Agency	Date	Finding
CAA	TN0000004716300256	AIR	TV ACC Receipt/Review	State	02/26/2013	
CAA	TN0000004716300256	AIR	FCE On-Site	State	07/05/2012	
RCRA	TN0000590612	RCR	COMPLIANCE EVALUATION INSPECTION ON-SITE	State	02/28/2014	Violations Or Compliance Issues Were Found

Entries in italics are not considered inspections in official counts.

### Compliance Summary Data

Statute	Source ID	Current SNC (Significant Non-compliance)/HPV (High Priority Violation)	Description	Current As Of	Qtrs in NC (Non-Compliance) (of 12)
CAA	TN0000004716300256	No		04/01/2017	4
CWA	TNR051656	No		12/31/2016	0
RCRA	TN0000590612	No		04/01/2017	0

### Three Year Compliance Status by Quarter

Statute	Program/Pollutant/Violation Type	QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11	QTR 12
CAA (Source ID: TN0000004716300256)		04/01-06/30/14	07/01-09/30/14	10/01-12/31/14	01/01-03/31/15	04/01-06/30/15	07/01-09/30/15	10/01-12/31/15	01/01-03/31/16	04/01-06/30/16	07/01-09/30/16	10/01-12/31/16	01/01-03/31/17
Facility-Level Status		HPV	HPV	HPV	HPV								
HPV History		Addr-State	Addr-State	Addr-State	Addr-State								
Violation Type	Agency	Programs	Pollutants										
CAA HPV	TN	CAAMACT, CAANSIP, CAASIP	TOTAL PARTICULATE MATTER	09/10/2010	>>>	>>>	03/27/2015						
Historic Violations													
CAA		SIP		V-PROCD	V-PROCD	V-PROCD							

Statute	Program/Pollutant/Violation Type	QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11	QTR 12	QTR 13
CWA (Source ID: TNR051656)		01/01-03/31/14	04/01-06/30/14	07/01-09/30/14	10/01-12/31/14	01/01-03/31/15	04/01-06/30/15	07/01-09/30/15	10/01-12/31/15	01/01-03/31/16	04/01-06/30/16	07/01-09/30/16	10/01-12/31/16	01/01-03/31/17
Facility-Level Status		No Viol	No Viol	No Viol	No Viol	No Viol	No Viol	No Viol	No Viol	No Viol	No Viol	No Viol	No Viol	Und
SNC (Significant Non-compliance)/RNC (Reportable Non-Compliance) History														

Statute	Program/Pollutant/Violation Type	QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11	QTR 12
RCRA (Source ID: TN0000590612)		04/01-06/30/14	07/01-09/30/14	10/01-12/31/14	01/01-03/31/15	04/01-06/30/15	07/01-09/30/15	10/01-12/31/15	01/01-03/31/16	04/01-06/30/16	07/01-09/30/16	10/01-12/31/16	01/01-03/31/17
RCRA	Facility-Level Status												

### Informal Enforcement Actions (5 Years)

Statute	Source ID	Type of Action	Lead Agency	Date
RCRA	TN0000590612	WRITTEN INFORMAL	State	03/12/2014

### Formal Enforcement Actions (5 Years)

Statute	Source ID	Type of Action	Lead Agency	Date	Penalty	Penalty Description
No data records returned						

### ICIS (Integrated Compliance Information System) Case History (5 years)

Primary Law/Section	Case No.	Case Type	Lead Agency	Case Name	Issued/Filed Date	Settlement Date	Federal Penalty	State/Local Penalty	SEP (Supplemental Environmental Project) Cost	Comp Action Cost
No data records returned										

## Environmental Conditions

### Water Quality

Center Latitude:	36.5246	Water Area:	0%	Housing Units in Area:	4,509
Center Longitude:	-82.2694	Population Density:	345/sq. mi.	Households on Public Assistance:	75
Total Persons:	9,742	Percent Minority:	4%	Persons Below Poverty Level:	2,977
Race Breakdown		Persons (%)	Age Breakdown		Persons (%)
White:		9,403 (97%)	Child 5 years and younger:		458 (5%)
African-American:		140 (1%)	Minors 17 years and younger:		1,874 (19%)
Hispanic-Origin:		134 (1%)	Adults 18 years and older:		7,868 (81%)
Asian/Pacific Islander:		53 (1%)	Seniors 65 years and older:		1,759 (18%)
American Indian:		10 (0%)			
Other/Multiracial:		136 (1%)			
Education Level (Persons 25 & older)		Persons (%)	Income Breakdown		Households (%)
Less than 9th Grade:		414 (5.76%)	Less than \$15,000:		717 (17.43%)
9th through 12th Grade:		810 (11.27%)	\$15,000 - \$25,000:		592 (14.39%)
High School Diploma:		2,507 (34.89%)	\$25,000 - \$50,000:		1,226 (29.8%)
Some College/2-yr:		2,344 (32.62%)	\$50,000 - \$75,000:		751 (18.25%)
B.S./B.A. or More:		1,110 (15.45%)	Greater than \$75,000:		828 (20.13%)

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

SEP 1 8 2004

4WD-RCRA

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. David Oakley, Group EH&S Manager  
Exide Technologies  
364 Exide Drive  
Bristol, TN 37620

SUBJ: RCRA Compliance Evaluation Inspection  
Exide Technologies  
EPA ID: TNO 000 059 612

Dear Mr. Oakley:

On May 27, 2004, the U.S. Environmental Protection Agency (EPA), along with the Tennessee Department of Environment & Conservation (TDEC), conducted a Resource Conservation and Recovery Act (RCRA) compliance evaluation inspection at Exide Technologies located in Bristol, Tennessee, in order to determine its compliance status with RCRA.

Enclosed is the EPA RCRA Site Inspection Report which indicates several violations of RCRA were discovered. A copy of this report has also been forwarded to TDEC.

If you have any questions concerning the inspection report, please contact Nancy McKee, of my staff, at (404)562-8674 or by e-mail at [mckee.nancy@epa.gov](mailto:mckee.nancy@epa.gov).

Sincerely,

Denise Diaz, Acting Chief  
North Enforcement & Compliance Section  
RCRA Enforcement & Compliance Branch

Enclosures

cc: Mike Apple, TDEC - Nashville  
Bethanie Glynn, TDEC - Knoxville

## RCRA COMPLIANCE EVALUATION INSPECTION REPORT

1) Inspector and Author of Report

Nancy McKee  
Environmental Specialist  
U.S. Environmental Protection Agency (EPA)  
Waste Management Division  
RCRA Enforcement and Compliance Branch, North Section  
61 Forsyth Street  
Atlanta, Georgia 30303  
Office: (404) 562-8674  
Fax: (404) 562-8566

2) Facility Information

Exide Technologies (Exide)  
EPA ID: TND 000 059 612

364 Exide Drive  
Bristol, TN 37620

3) Responsible Official

David Oakley, Group Environmental Health & Safety Manager  
Exide Technologies  
Office: (423) 989-6377

4) Inspection Participants

Randall Farris, Group Environmental Health & Safety Manager (No longer with Exide),  
Exide  
Robert Saunders, Waste Water Operator, Exide  
David Piercey, Safety Technician, Exide  
Rick Newberry, Plant Manager, Exide  
Nancy McKee, EPA  
Bethanie Glynn, Division of Solid Waste Management, Tennessee Department of  
Environment & Conservation (TDEC)  
Rick Whitson, TDEC  
Fred Willingham, TDEC

5) Date of Inspection

May 27, 2004, 8:30 A.M.

6) Applicable Regulations

40 Code of Federal Regulation (C.F.R.), Parts 260 - 270, Resource Conservation and Recovery Act (RCRA) Sections 3005 and 3007, (42 US Code - Annotated U.S.C.A. 6925 and 6927), and the Tennessee Hazardous Waste Management Act, T.C.A. 68-212 Part 1 & 3, and the Used Oil Collection Act of 1993, T.C.A. 68-21.

7) Purpose of Inspection

The purpose of this inspection was to conduct an unannounced compliance evaluation inspection (CEI) to determine Exide Technologies' (Exide's) compliance with the applicable requirements of RCRA and corresponding Tennessee Department of Environment & Conservation regulations. Exide has registered as a large quantity generator (LQG) of hazardous waste.

8) Facility Description

Exide has been located at 364 Exide Drive, Bristol, Tennessee since 1994. The property is estimated to be 100 acres. Approximately one thousand employees are currently working at the facility, up to four shifts a day, seven days a week. Exide is connected to the City of Bristol publically owned treatment works (POTW) and sewer, and conducts on-site wastewater pretreatment.

Exide manufactures lead acid storage batteries. Their North American Industry Classification System (NAICS) number is 335911, for storage battery manufacturing; and 335912, for primary battery manufacturing.

Exide generates hazardous waste in the form of contaminated personnel protective equipment (booties, gloves, and masks) and contaminated trash (rags, cardboard, some floor sweepings, and paper). All other lead material is considered scrapped material and is sent to an Exide facility located in Pennsylvania for reclamation.

9) Inspection Findings

The inspection began with an opening conference at 8:30 A.M. on May 27, 2004. Credentials were presented to Randall Farris, Group Environmental Health & Safety Manager, Exide. A closing conference was held following the inspection to discuss the findings. Rick Newberry, Plant Manager, Exide, was present for the closing conference.

The oxide mill is used to melt down lead bricks, or hogs, to form lead oxide powder, which is used for pasting. The lead hogs enter one of two reactors, the Barton reactor or the Ball Reactor, depending on the type of lead to be processed. Contact cooling water from the Barton reactors is recirculated. Contact cooling water from the Ball reactors is treated in the on-site waste water treatment plant. Floor sweepings from this area are accumulated in cubic yard totes. At the time of the inspection, Exide had eight cubic yard totes of lead powder accumulated. Facility personnel explained that the accumulated lead powder from oxide mill cleaning is accumulated and reclaimed. Contaminated rags and gloves are accumulated in a satellite accumulation area. Inspectors observed one 55-gallon container of waste lead contaminated items. The container of waste lead contaminated items was labeled correctly, however, the container was open.

**40 CFR § 265.173 and TN Rule 1200-1-11-.05(9)(d)1, state that a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste. Exide failed to close one container of waste lead contaminated items located in the oxide mill. Therefore, Exide is illegally storing hazardous waste in violation of RCRA Section § 3005.**

Lead hogs are melted in the properzi mill to form continuous lead strips, which ultimately are used to create battery plates. The hogs are reduced in thickness and are trimmed, which generates lead trimmings. The lead trimmings are accumulated and remelted for reuse. Coolant from the properzi mill is recirculated, and filters from the machine are managed as hazardous waste. One 55-gallon container of waste filters was located in this area. The container was labeled and closed correctly.

Additionally, the lead hogs are melted and cast into "strip lead." Strip lead is used to create negative battery plates. Dross from the melting process is accumulated as scrap and sent out for reclamation.

The lead strips from the properzi mill and the strip castings are punched and expanded into plates based on product specification. Scrapped lead is accumulated as scrap and sent out for reclamation.

The lead oxide powder, manufactured in the lead oxide mill, is mixed with sulfuric acid, water, and expander mix to form a paste. The paste is applied onto the plates, which are then cut and cured. Remaining paste sludge and water is reused in the process. Waste pasting belts, waste pasting boards, and floor sweepings are generated in this area. These items are managed as hazardous waste in a satellite accumulation area. One 55-gallon satellite accumulation container for waste pasting belts and waste pasting boards was observed to be labeled correctly and was closed.



The curing process generates scrapped plates, and lead contaminated cardboard and paper. Floor sweepings and the scrapped plates are accumulated as scrap and sent out for reclamation. Lead contaminated cardboard is accumulated and managed as hazardous waste.

Pasted plates are then assembled in the cast on the strip assembly area. Thirteen assembly lines are used to conduct the following assembly process. The plates are insulated and then formed together with lugs. The formed plates are set into a battery case and set with hot glue, and battery tops are fused with the battery case. The battery case is pressure tested to ensure containment. This area generates floor sweepings, waste contaminated cardboard and gloves. Inspectors observed three 55-gallon containers, one for each waste stream, which were managed as satellite accumulation areas. The three 55-gallon containers were labeled correctly and were closed.

Particulate lead dust from the assembly area is captured and sent to a bag house. The captured lead powder is accumulated in GorTex Bags and sent out for reclamation.

Once the battery cases are completed, they are filled with sulfuric acid/water solution. The sulfuric acid/water solution is mixed at the acid farm and is hard-piped into the facility. The filled cases are cleaned and charged for approximately 16 - 30 hours. The charged batteries are tested, then replenished with sulfuric acid/water solution. The finished batteries are labeled and packaged for shipment. Exide receives preprinted labels (Exide doesn't conduct printing on-site). Waste sulfuric acid/water is sent to the on-site waste water treatment plant.

The acid tank farm houses several product tanks that are used for product storage and acid recycling. The acid tank farm is concreted, bermed, and is sloped to a collection pit. The collection pit is an open concrete pit, which gravity feeds to a closed pipe that leads to the on-site waste water treatment plant. Incidental spills and stormwater flow into the collection pit. The pit is cleaned out periodically and the sludge is accumulated and sent out for lead reclamation.

According to Exide, from 1994 to recent, one of the acid reclaim tanks, which is used to reclaim acid from the battery filling operations, was not operating properly. The acid would overflow from the tank into the secondary containment of the tank and would flow into the collection pit. Once the acid left the reclamation tank it was a waste, specifically, a hazardous waste (D002). At the time of the inspection, inspectors observed the secondary containment in this area and the steel tank supports to be eroded from the acid spills. Additionally, the integrity of the concrete pad and concrete pad liner appeared to

degraded in the locations where the spent acid left the tank to the collection pit.

Exide used the secondary containment of the tank farm as a tank to contain overflow from the reclaim tank. According to Exide, upgrades have been made to the system and overflows, such as this, are not allowed to occur.

**40 CFR § 262.34 (a) and TN Rule 1200-1-11-.03(4)(e)2(i)(II), state that a generator may accumulate hazardous waste on-site, provided that waste is placed in tanks (or containers) and (in regards to tanks) the generator complies with the tank requirements, which are found in 40 CFR § 265 Subpart J, AA, BB, and CC, and TN Rule 1200-1-11-.05(10). Exide illegally used the secondary containment of the tank farm as a tank to contain overflow from the reclaim tank. Therefore, Exide is illegally storing hazardous waste in violation of RCRA Section § 3005.**

Exide has a laboratory that generates small amounts of waste acid. The waste acid is hard-piped to the waste water treatment plant for neutralization.

The waste water treatment plant receives waste water from process operations, floor cleaning, and hand wash sinks/showers. The waste water is processed and the pre-treated waste water is sent to the City of Bristol POTW. The remaining filter press material is accumulated as lead scrap and is sent out for reclamation. Floor sweepings from the waste water treatment area are accumulated in a 55-gallon satellite accumulation container. The container was labeled, however, was open. Exide uses the waste water treatment area to accumulate used oil. At the time of the inspection six 55-gallon containers of used oil were accumulating. Four of the six containers were not labeled with the words "Used Oil."

**40 CFR § 265.173 and TN Rule 1200-1-11-.05(9)(d)1, state that a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste. Exide failed to close one container of waste lead contaminated items located in the waste water treatment plant. Therefore, Exide is illegally storing hazardous waste in violation of RCRA Section § 3005.**

**40 CFR § 279.22 and TN Rule 1200-1-11-.11(3)(c)3(i), state that containers used to store used oil, must be labeled with the words "Used Oil." Exide failed to label four 55-gallon containers of used oil, located in the waste water treatment plant, with the words "Used Oil."**

Exide has a returns department called "RGI." The RGI department accepts battery returns. The returns may be sold to employees or scrapped. Additionally, this area is used

used to accumulate broken batteries. Scrapped and broken batteries are accumulated in a 55-gallon satellite accumulation container. The container was labeled correctly and was closed.

This area also has a pit that is used for floor cleaning water. Exide uses Tennant machines to conduct facility floor cleaning. Waste water from the machines is deposited into the pit. The water goes to the waste water treatment plant and the sludge is accumulated as hazardous waste in a tote. The tote was labeled "Hazardous Waste," was closed, and was dated.

The fabrication shop is used for general facility maintenance and fork lift maintenance. This area has one sand blast machine. The remaining waste sand blast material is managed as hazardous waste and is satellite accumulated in a 55-gallon container, along with waste gloves and other waste personnel protective equipment from this area. The container was labeled correctly and was closed. It was observed that Exide had an additional 55-gallon container of hazardous waste located in the same area. The drum was full and was in need of transport to the 90-day hazardous waste accumulation area.

**40 CFR § 262.34 (c)(2) and TN Rule 1200-1-11-.03(4)(e)5(i)(II), state that a generator may accumulate 55-gallons of hazardous waste in a satellite accumulation area. If a generator accumulates in excess of 55-gallons at or near any point of generation must, with respect to that amount of excess waste, comply within three days with paragraph (a) and (c)(1)(i) through(ii) of this section (40 CFR 262.34). The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating. Exide accumulated more than 55-gallons of hazardous waste in a satellite accumulation area. The container of hazardous waste was not labeled with the words "Hazardous Waste," nor was the container dated with an accumulation start date. Therefore, Exide is illegally storing hazardous waste in violation of RCRA Section § 3005.**

Exide has three parts washers and one solvent dip booth, located in fabrication shop. The parts washers and dip booth are serviced by Safety Kleen.

Inspectors observed one 55-gallon drum that was labeled "Landfill Trash," that contained lead contaminated debris. The 55-gallon drum was located in the fabrication shop. The container was not labeled with the words "Hazardous Waste," or other descriptive wording, and the container was not closed.

**40 CFR § 262.34 (c)(1)(ii) and TN Rule 1200-1-11-.03(4)(e)5(i)(II), state that containers of hazardous waste that are satellite accumulated must be labeled with**

the words "Hazardous Waste," or other wording that describes the contents of the container. Exide failed to label one 55-gallon container of hazardous waste with the words "Hazardous Waste," or other wording that describes the contents of the container, as the container was labeled "Landfill Trash." Therefore, Exide is illegally storing hazardous waste in violation of RCRA Section § 3005.

40 CFR § 265.173 and TN Rule 1200-1-11-.05(9)(d)1, state that a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste. Exide failed to close one 55-gallon container of hazardous waste that was labeled "Landfill Trash," located in the fabrication shop. Therefore, Exide is illegally storing hazardous waste in violation of RCRA Section § 3005.

Exide stages their scrapped lead material and their 55-gallon (satellite accumulation) containers of hazardous waste at an area located at truck docking, which is located inside the building. At the time of the inspection, there was one 55-gallon container of hazardous waste that was not labeled with the words, "Hazardous Waste," or other words that described the contents of the container.

40 CFR § 262.34 (c)(1)(ii) and TN Rule 1200-1-11-.03(4)(e)5(i)(II), state that containers of hazardous waste that are satellite accumulated must be labeled with the words "Hazardous Waste," or other wording that describes the contents of the container. Exide failed to label one 55-gallon container of hazardous waste, which was located at the staging area of truck docking, with the words "Hazardous Waste," or other wording that describes the contents of the container. Therefore, Exide is illegally storing hazardous waste in violation of RCRA Section § 3005.

The containers are deposited daily into two roll-off bins that are located directly outside of the staging area. One roll-off container was being used to accumulate hazardous waste. The second roll-off was being used to accumulate scrapped lead material collected from inside the facility and from the bag house. The hazardous waste roll-off was covered, however, was not labeled "Hazardous Waste," and was not marked with an accumulation start date.

40 CFR § 262.34 (a)(3) and TN Rule 1200-1-11-.03(4)(e)2(iii), state that while accumulating hazardous waste on-site, the generator must label containers of hazardous waste with the words "Hazardous Waste." Exide failed to label one roll-off of hazardous waste with the words "Hazardous Waste." Therefore, Exide is illegally storing hazardous waste in violation of RCRA Section § 3005.

**40 CFR § 262.34 (a)(2) and TN Rule 1200-1-11-.03(4)(e)2(ii), state that while accumulating hazardous waste on-site, the generator must mark containers of hazardous waste with an accumulation start date. Exide failed to mark one roll-off of hazardous waste with accumulation start date. Therefore, Exide is illegally storing hazardous waste in violation of RCRA Section § 3005.**

Inspectors observed the outdoor area where the roll-offs were being stored. This area also serves as a receiving area, parking lot, and an equipment grave-yard. The area is asphalted, bermed, and fenced. The asphalt appeared to be aged and cracked in several areas and contained drains that collect and discharge stormwater. The roll-offs were not located in secondary containment. It is recommended that the roll-offs be located in a secure area to minimize the potential of spills reaching the asphalted area and releasing to the environment.

Additionally, it was observed that this area was used as an equipment graveyard (See attachment labeled "Photograph"). The equipment, which was once used inside of the manufacturing facility, could potentially be contaminated with lead. Runoff from the equipment could be released to the environment. It is recommended that the equipment be stored in a controlled environment.

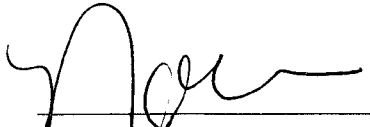
Exide has a supply wing that is used to store facility supplies, to accumulate lead contaminated respirators, gloves, and clothes that are exchanged for new items, and to accumulate fluorescent light bulbs and CRTs for recycling. Contaminated respirators, gloves, and clothes are accumulated in three satellite accumulation areas that are spread out within the supply room. Fluorescent light bulbs and CRTS are accumulated in a room within the supply wing. The fluorescent light bulbs were observed to be accumulated in cardboard boxes that were labeled with the words "Universal Waste," and were dated.

#### Record Review

Exide uses General Battery Technologies (IND000717959) as their hazardous waste disposal facility.

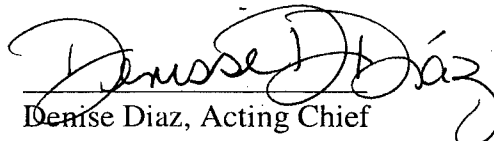
Exide had a contingency plan, facility hazardous waste training, weekly drum (roll-off) inspection logs, position descriptions for those employees that manage hazardous waste, and local authority notification.

10) Signed

  
\_\_\_\_\_  
Nancy McKee  
Environmental Scientist

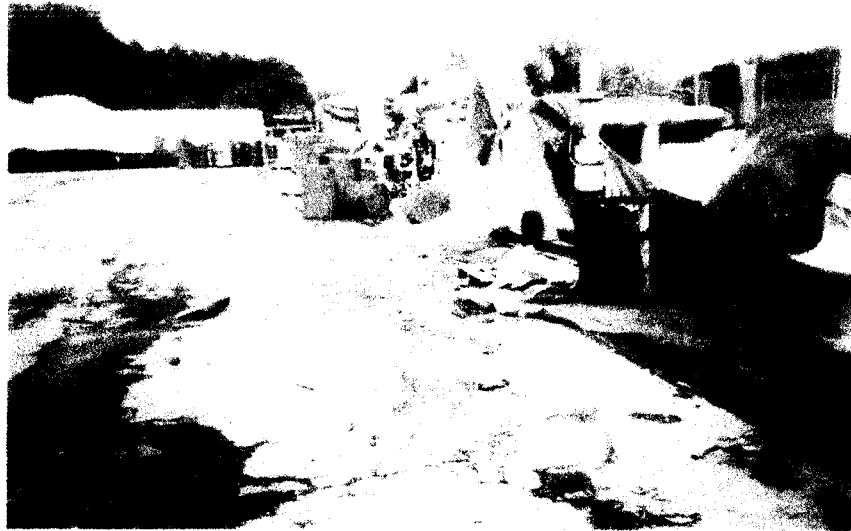
9/7/04  
Date

11) Concurrence

  
\_\_\_\_\_  
Denise Diaz, Acting Chief  
North Enforcement and Compliance Section  
RCRA Enforcement and Compliance Branch

9/14/04  
Date

Exide Technologies  
Site Inspection May 27, 2004



View of equipment graveyard. Note the cracks in the asphalt, uncovered equipment, and rusted drums.

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#2

## Summary of Sulfuric Acid Release

IRIS/NRC : # 814087

1A

Company: Exide Technologies

364 Exide Drive,

Bristol, TN 37620

Contact: Michael Fox Env. Mgr

Tel: 423-989-6894

Incident Occurred: 10/08/06 11:00 EST

Incident Reported: 10/09/06 10:12 EST

Reporting Delay: 23 hours & 48 min. to NRC

Chemical Released: Sulfuric Acid (EHS) RQ 1000 Lbs

Quantity release: 4,000gal X 1.84SG X 8.34Lbs/gal = 61,382 Lbs

*Actual 1.84 SG → 35% H<sub>2</sub>SO<sub>4</sub>*

Incident attributed to: Sludge build up with line plugging during pumping operation in a 4" Diameter 100 foot long PVC single walled pipe. The PVC line became over pressurized which caused a check valve to rupture releasing sulfuric acid in the line to a containment built under the 100 foot long PVC discharge pipe.

Section potentially violated: CERCLA 103

Note (1) Sulfuric Acid captured in designed containment.

Note (2) Sulfuric Acid did not leave property.

Note (3) Company experienced a similar Sulfuric Acid spill January, 2005.

Note (4) Mr Fox stated that he thought the reporting time to NRC was 24-48 hours, rather than a minimum of 15 minutes.

Note (5) Exide Technologies is in the process of making piping design changes and containment modifications and piping inspection schedules to prevent future accidents.

(1) Nature of containment: Plastic resistant to concentrated Sulfuric acid.

(2) PVC transfer line blew out in a vertical section on the side of a building that didn't have A plastic containment section underneath the vertical run of piping

(3) The 4,000 gallons of Sulfuric Acid flowed from the failed check valve to the asphalt Covering. According to the latest details by way of conversation with Mr Michael The Environmental Manager, 3200 gallons of the Sulfuric Acid was sucked up and Placed in a storage tank the other 800 gallons of Sulfuric Acid remaining on the Asphalt covering was neutralized with soda ash.

Exide Engineering is in the process of modifying the Sulfuric Acid Transfer System to prevent any further acid spills.

(4) No Acid leaked to the soil.

(5) No shut off valve on plastic containment underneath 100' run of horizontal piping.

Andrea: I hope the above five statements answers any concerns you might have.

Thanks for the help, Lawrence

*Lawrence 11/02/06 2:15PM*

11/2/06

Lawrence,

Unable to make determination, I need the following questions answered first.

1. Need to know the nature of the containment.
  - a. Is it concrete or soil? | Plastic, Ber - <sup>will have shut off</sup>
  - b. If concrete, are all seams sealed to prevent leakage? <sup>shut off</sup> No
  - c. Was containment drain valve closed at time of accident? - No  
- Leaked out on asphalt - <sup>but</sup> Will

Thanks Andrew

① Crack sealed in containment?

(2). Shut off valve closed at end of containment?

(4). Does it even have a shut off valve?

(3) - No leak to soil

(4) - 3200 gallon who had  
- 500 - gallon mixed with soda

## Summary of Sulfuric Acid Release

IRIS/NRC : # 814087

Company: Exide Technologies  
364 Exide Drive,  
Bristol, TN 37620

Contact: Michael Fox Env. Mgr  
Tel: 423-989-6894

Incident Occurred: 10/08/06 11:00 EST

Incident Reported: 10/09/06 10:12 EST

Reporting Delay: 23 hours & 48 min. to NRC

Chemical Released: Sulfuric Acid (EHS) RQ 1000 Lbs

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Note (1) Sulfuric Acid captured in designed containment.

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Rather than a minimum of 15 minutes.

Note (5) Exide Technologies is in the process of making piping design changes and modification of piping inspection schedules to prevent future accidents.

*L. Fincke* 11/01/06

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#3



Exide Technologies  
364 Exide Drive  
Bristol, TN 37620  
423.989.6894 tel  
423.989.5396 fax  
www.exideworld.com

TIME      LINE

November 7, 2006

Mr. Lawrence Fincher  
Chemical Enforcement Officer  
United States Environmental Protection Agency  
Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, GA 30303-8960

RE: Exide Technologies TN0-000-590-612  
Sulfuric Acid Spill 10/08/06 incident report  
NRC profile #: 814087

Dear Mr. Fincher,

As requested, Exide Technologies ("Exide") is providing this follow up letter with additional details you requested concerning a sulfuric acid spill that occurred on October 8, 2006 at Exide Technologies' Bristol TN facility. This report is in addition to the initial incident report that was submitted to the Tennessee Emergency Management Agency on October 10, 2006.

Exide manufactures and distributes lead/acid batteries at the Bristol, TN location. Sulfuric acid for use in the manufacturing process is kept in 18 different polyethylene tanks ranging from a concentration of 1.800 specific gravity (vitrol) to lower concentrations between 1.100 to 1.400. All sulfuric acid tanks are located in a "tank farm" with secondary containment in the event of an emergency.

Based upon our investigation, the following is a list of events leading up to the spill including approximate times, actions taken to clean up the spill sulfuric acid, and actions being taken to prevent similar instances.

- 11:00 am- Lead reel operator noticed that a "liquid" was leaking from an overhead pipe line coming into the plant at the northwest corner of the facility.
- 11:09 am- Maintenance personnel contacted the acid tank farm attendant to check to see if acid was being lost in a tank or pipeline. The attendant determined that the leak was coming from a sulfuric acid line not a water line.



Exide Technologies  
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Bristol, TN 37620  
423.989.6894 tel  
423.989.5396 fax  
www.exideworld.com

11:10 am- Actions were started to isolate the leaking pipeline:

- Maintenance went to Formation charging office and noticed red indicator lights on high reclaim acid tank indicating the tank was empty.
- Supply tank valves were closed off to take away factor of additional tanks emptying into the tank and PVC line that was broken.
- Notifications were made plant wide and the Formation/charging area was completely isolated. Production froze until the line was identified with appropriate tank location.

29 MIN  
11:27 am- Formation Room #5 sulfuric acid reclaim line going from charging room #5 back out to the acid tank farm was identified as the leaking pipeline.

11:32 am - The Area of the spill was contained and the leaking acid pipeline was closed at both ends to prevent further spillage. The area of the pipeline break was over paved surfaces (concrete and asphalt) between the plant and the acid farm. The acid did not come in contact with soil or the surrounding environment.

11:38 am- The facility Environmental Manager organized a response team to start the cleanup activities. The weather conditions during the spill were clear skies, temperature of 68 degrees F.

12:02 pm- Soda ash and absorbent were used to neutralize the acid and create berms to prevent it from entering the storm water system while being cleaned up.

12:50 pm- Approximately 3,200 gallons of sulfuric acid and water were collected during the spill using a pump and drums. Another 800 gallons of sulfuric acid and water were cleaned up using absorbent and soda ash.

3:50 pm- The drums of acid and water and neutralization residues were accumulated onsite and will be disposed of in accordance with Local, State, and Federal hazardous waste requirements.

4:30 pm- After the clean up, maintenance personnel identified the source of the leak at a 4 inch check valve in the pipeline. The old valve assembly was removed and a new valve assembly was installed.



Exide Technologies  
364 Exide Drive  
Bristol, TN 37620  
423.989.6894 tel  
423.989.5396 fax  
www.exideworld.com

- 5:20 pm- A debriefing was held with all of the employees involved in the response. During this meeting, ideas on preventive actions were discussed including providing an emergency shutoff system that the leadpersons/operators can control both at the acid farm and the formation room locations.
- 8:00 pm- Clean up was completed. Repairs to the pipeline were completed, the line was being tested and checked. Personnel that were involved in the response were allowed to leave the plant.

**October 12, 2006-First storm water event after sulfuric acid spill**

- 5:50 pm- Exide technicians monitored outfall 001 for low pH conditions during the first preceding rainfall event after the spill. Initial reading of 7.05 was recorded.
- 8:40 pm- A reading of 6.61 was recorded.
- 10:20 pm- A reading of 6.89 was recorded.
- 11:35 pm- A reading of 7.17 was recorded.
- 1:30 am- A reading of 7.18 was recorded.
- 4:15 am- A reading of 7.21 was recorded.

The following are some of the preventive actions that are either being taken, or are still under consideration.

- 1) Institute a more routine maintenance program to remove sludge buildup from the sulfuric acid tanks in the event that accumulation built up in the line causing a blockage.
- 2) Reclaim pumps will have a time delayed shutoff when large amounts of acid are called for in the system. This incident occurred in a 10-minute time frame. The reclaim pump was calling for acid and continued to pump until the acid spill was found.
- 3) Exide currently has a monthly inspection to visually inspect all acid lines, sumps and pumps. This area in question will be visually checked weekly.



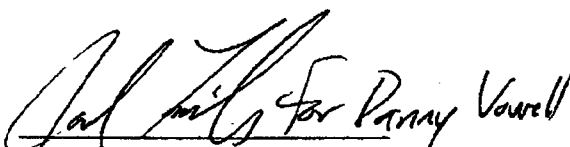
Exide Technologies  
364 Exide Drive  
Bristol, TN 37620  
423.989.6894 tel  
423.989.5396 fax  
www.exideworld.com

4) Training of all operators and acid mixers has taken place to provide them with a level of awareness to this type of incident and what they should do to respond to this type of incident if a similar incident were ever to occur.

5) Most all acid lines going from the plant to the acid tank farm are located in a plastic-walled secondary containment. The area where the break occurred currently does not have secondary containment due to 90 degree angles and short runs of piping. The Exide-Bristol Engineering along with the Environmental Health and Safety personnel are currently looking to develop a double walled pipe to enclose this check valve section of pipe.

If you have any questions or require additional information, please contact me at 1-423-968-1010 or Michael Fox at 1-423-989-6894.

*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.*

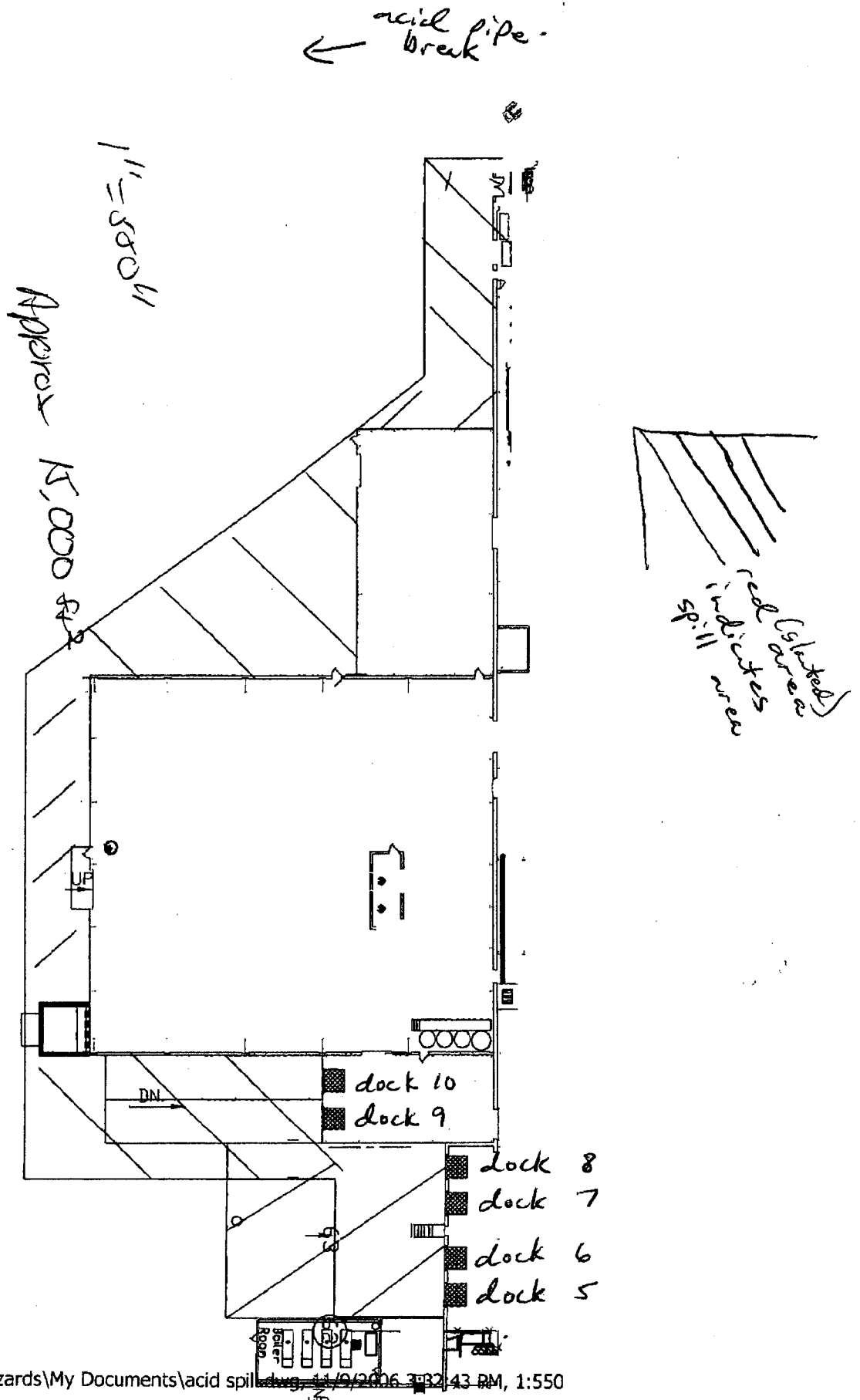
  
\_\_\_\_\_  
Danny Vowell, Plant Manager

11/8/06  
Date

  
\_\_\_\_\_  
Michael Fox, Environmental Manager

11/8/06  
Date





REVIEW

**EXIDE**

TECHNOLOGIES  
364 Exide Drive  
Bristol, TN 37620

423.989.6894 tel

423.989.5396 fax

[Michael.fox@exide.com](mailto:Michael.fox@exide.com)

DATE: November 8, 2006  
TO: Lawrence Fincher  
FROM: Michael Fox  
SUBJECT: EPA follow-up report  
FAX: 1-404-562-9163

Attached is the complete report from the incident that occurred at the Exide facility on October 8 per our conversation.

If you have any questions, please contact me at 1-423-989-6894.

Thanks,

Mike

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#4

Exide Technologies  
364 Exide Drive  
Bristol, TN 37620  
423.989.6894 tel  
423.989.5396 fax  
www.exideworld.com

11  
Come in  
SCROUSE?  
not Confirmation  
1/4/07

December 13, 2006

Environmental Protection Agency, Region 4  
Attn: Mr. Robert Bookman  
61 Forsyth Drive  
Sam Nunn Atlanta Federal Center  
Mail Code: 4APT.EES  
Atlanta, GA 30303-8960

RE: Exide Technologies-Bristol, TN  
Notice of Violation- November 29, 2006

Dear Mr. Bookman,

Exide Technologies (Exide) provides the following response to the above referenced Notice of Violation (NOV) from the Environmental Protection Agency (EPA) with regard to an incident that occurred on October 8, 2006 at the Exide plant located in Bristol, TN.

This NOV has been issued to Exide for the alleged late notification to the National Response Center (NRC) of a reportable quantity (RQ) release as required by CERCLA section 103.

The following information is provided in order to provide justification for the time taken to report the incident to the NRC.

As indicated in the original incident report, at approximately 11:00 am on October 8, 2006, a pipe break at the facility lead to a spill of sulfuric acid at the site. Exide took immediate action to contain the spilled sulfuric acid to prevent it from traveling offsite, and began to neutralize the acid and clean it up. Since this was a Sunday, it took some additional time to mobilize management and additional response personnel to the site to address the clean up effort. This was Exide's immediate concern. Once the spilled materials were contained and cleaned up, at approximately 4:30 pm management personnel began to review the incident to determine the volume of sulfuric acid spilled and if there was any impact to human health or the environment. By approximately 6:00 pm on Sunday October 8, 2006 Exide personnel determined that approximately 33,360 lbs. of sulfuric acid had been spilled within the facility. This quantity exceeded the reportable quantity for sulfuric acid, but it was contained on paved surfaces on-site at the facility. Since the spill did not have any impact to human health or the environment (as defined by CERCLA Section 101(8), and all material were neutralized or recovered, Exide personnel determined that a report to the NRC was not required.



**Exide Technologies**

364 Exide Drive  
Bristol, TN 37620

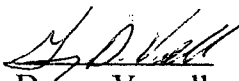
423.989.6894 tel  
423.989.5396 fax  
www.exideworld.com

On further review of the incident on Monday morning, October 9, 2006 Exide personnel decided to make notification of the incident to the NRC as a voluntary measure to make sure that the regulators had a record of the event and follow-up. Exide then made notification to the NRC of the incident at approximately 10:00 am on Monday October 9, 2006.

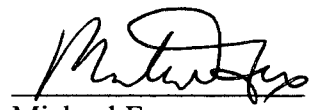
Based upon the fact that the acid was not spilled upon the land and did not come in contact with soil, etc Exide did not believe that notification of this incident to the NRC was required, and therefore respectfully requests that this NOV be rescinded. If EPA has any additional information or guidance with regard to the issue of reporting where the spill is on a paved surface which does not allow contact with the land surface or subsurface, Exide would be glad to review it and consider the need for revisions to its contingency plan in the future.

Exide hopes this letter adequately addresses the issue raised by the NOV, and that resolution of this matter can be done without a "Show Cause" meeting as indicated in the November 29, 2006 NOV letter. If not, and EPA wishes to proceed with the "Show Cause" meeting on January 9, 2007, please contact Frederick Ganster, Exide's Director of Environment, Health, & Safety at 610-921-4052 to confirm the meeting date or discuss resolution of this matter.

Sincerely,

  
Danny Vowell  
Plant Manager

12/20/06  
Date

  
Michael Fox  
Environmental Manager

12/20/06  
Date

Cc: Fred Ganster / Exide  
Lawrence Finchner / EPA

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*Global Leader*  
in Stored Electrical Energy

#5

January 22, 2007

Mr. Robert Bookman  
Environmental Protection Agency  
Atlanta Federal Center, Region IV  
61 Forsyth Street  
Atlanta, GA 30303

Re: Exide Technologies-Bristol, TN  
Additional information request-Notice of Violation

Dear Mr. Bookman,

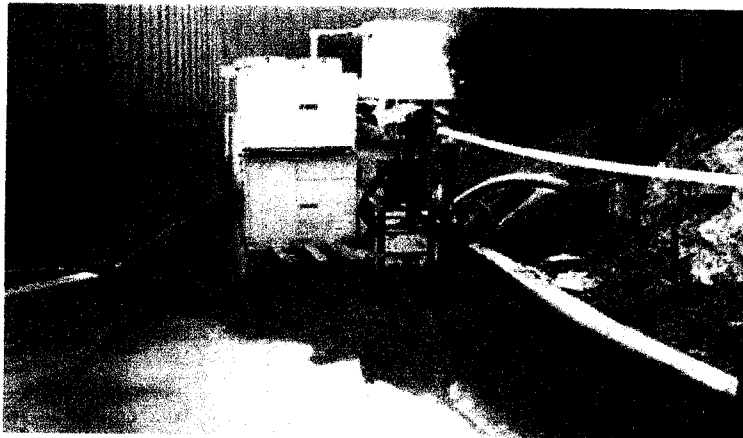
Exide Technologies ("Exide") provides the following additional information as requested during the January 9, 2007 show cause meeting, that the Environmental Protection Agency ("EPA") requested with regard to the sulfuric acid spill that occurred on October 8, 2006. This information includes:

- 1) A few more pictures of the facility that show the paved and bermed areas where the incident occurred to verify the integrity of the surface where the material was spilled.
- 2) Contour map/plot plan of the area to show general elevations where the material was collected.
- 3) Height of the concrete berm around the area that separates the paved area from the grass area.
- 4) Distance between the building and curb.

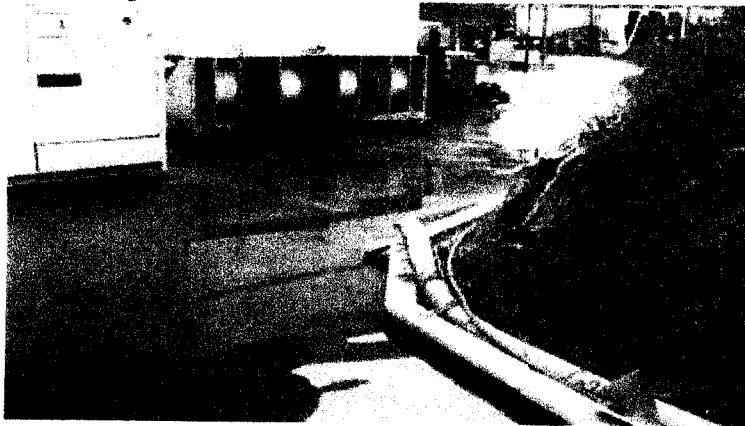
Exide has included the following pictures which include the use of tap water that was used to fill the general area to simulate the conditions that occurred during the spill. The liquid in these pictures is not sulfuric acid.



Standing under the PVC piping looking to the north, away from the flow of the spill to show integrity of surface.

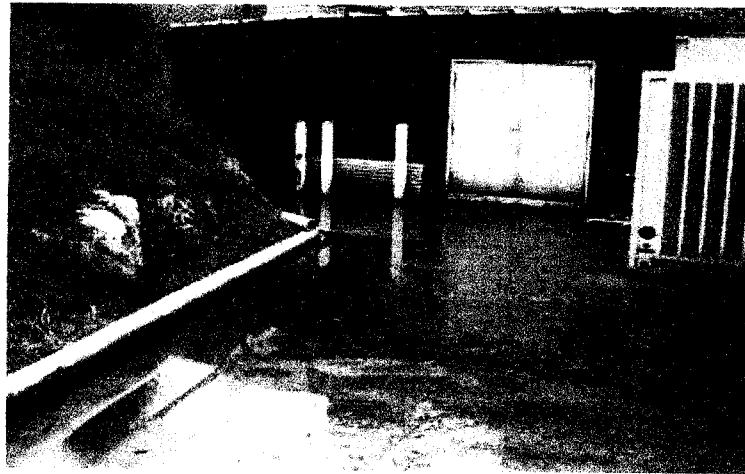


Standing under the PVC piping looking to the south, toward the flow of the spill.



Standing more toward the south, starting to look at pathway for flow once it measures 3" on the berm, the flow starts to progress downhill toward the building.

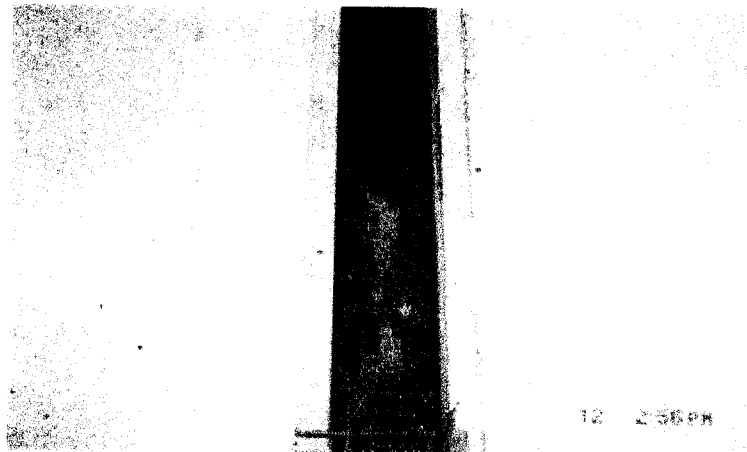




I was standing at the yellow poles in previous picture. This one shows a different angle of the water being contained.



Picture looking back toward area of the spill. Sulfuric acid flowed through trench down west side of the facility.



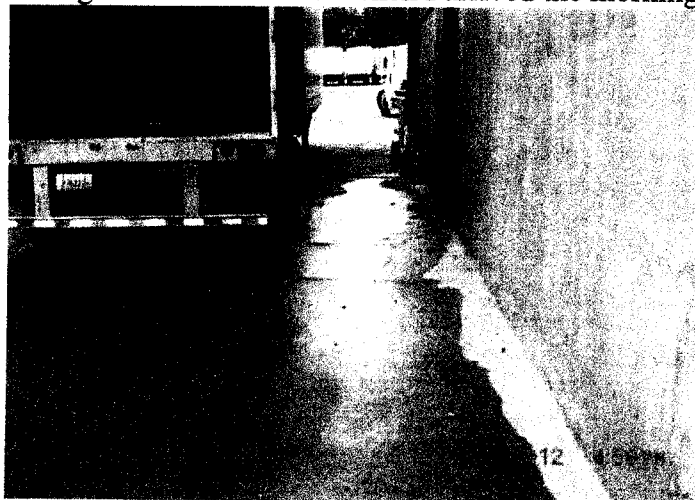
Picture of the concrete trench in the above picture.



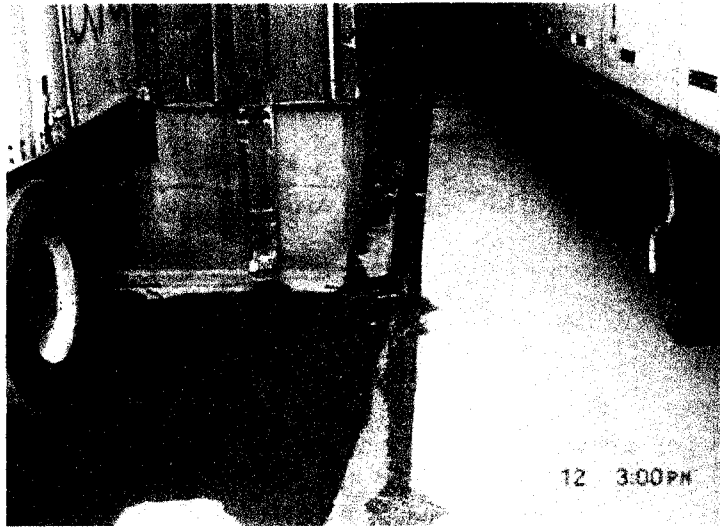
Exit of flow from trench. 6" valve was put in place after spill to capture the contents if an emergency ever occurs again.



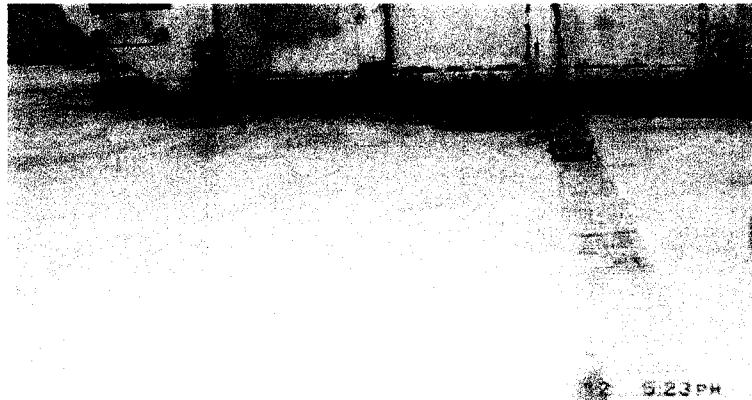
Picture of flow toward docks 9 and 10. This is where the pool of 100 or so of gallons I referenced to in the meeting that was contained when I arrived the morning of Oct. 8.



Standing at docks 9 and 10 looking back to exit of water.



Direction of flow toward dock 8 from docks 9 and 10 in contained trench.



Standing between docks 5 and 6 looking toward docks 9 and 10 close to the exit of storm water to outfall 001.



Picture standing at dock 5 looking to exit of storm water to outfall 001.



*Global Leader*  
in Stored Electrical Energy

All of the above pictures represent the same general areas that were affected during the sulfuric acid spill. Exide has included a contour map of the entire facility and one that more depicts the area of the incident. They are both attached to this report.

The curb measures 6 inches high and stretches about 150 feet at the back corner of the building. The measurement of the corner of the cooling tower and the berm area in question is 10 feet 2 inches.

Exide chose not to take a video of the area since the pictures do a good job of showing the flow of water through the entire area. .

Exide hopes the above information is adequate to address any questions EPA may have on this matter. Exide looks forward to hearing back from in order to close out and settle this matter. If the EPA still requires any additional information on this incident, please contact Frederick Ganster at 1-610-921-4052.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Fox".

Michael Fox  
Environmental Manager

Attachments

Cc: F. Ganster, Exide  
D. Vowell, Exide

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Global Leader  
in Stored Electrical Energy

#6

364 Exide Drive  
Bristol, TN 37620  
Phone: 423-989-6857  
Fax: 423-989-5396

# Fax

To: Robert Bookman/Larue Fowler From: Michael Fox  
Fax: 1-404-562-7163 Fax: 1-423-989-5396  
Date: 3-13-07 Pages: \_\_\_\_\_  
Re: \_\_\_\_\_ CC: \_\_\_\_\_  
☒ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Attached is the letter requesting an extension  
of 3 days for the SEP.

Please don't hesitate to call with any  
questions. Thanks,  
Michael



**Global Leader**  
in Stored Electrical Energy

March 13, 2007

Mr. Robert Bookman  
Environmental Protection Agency  
Atlanta Federal Center, Region IV  
61 Forsyth Street  
Atlanta, GA 30303

Re: Exide Technologies-Bristol, TN  
Request for Extension-Supplemental Environmental Project (SEP)

Dear Mr. Bookman,

Exide Technologies ("Exide") is writing to inform you about the additional information that the Environmental Protection Agency ("EPA") has requested in regards to the sulfuric acid spill that occurred on October 8, 2006.

Exide prepared and submitted the request to proceed with the Supplemental Environmental Project (SEP) on February 26<sup>th</sup> to close out the Notice of Violation. Unfortunately, Exide will not be able to mail this information until Friday, March 16. You will receive the complete package on Monday, March 19, 2007. A call was placed to EPA and in your absence, Mr. Lawrence Fincher advised me to send this fax to you stating our request.

Exide will send the detailed project scope, parts and labor to complete the project, and the environmental aspects that will be highlighted upon completion of the SEP. Exide hopes this will be sufficient for the SEP.

If the EPA would like Exide to provide further information after Monday, please contact Fred Ganster at 1-610-921-4052 or myself at 1-423-989-6894.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Fox".

Michael Fox  
Environmental Manager

Cc: F. Ganster, Exide

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**EXIDE**  
TECHNOLOGIES

4/17/07  
Station  
chr?

Global Leader  
in Stored Electrical Energy

#7

364 Exide Drive  
Bristol, TN 37620  
Phone: 423-989-6857  
Fax: 423-989-5396

3/21/07  
Line 14.5% Credit on  
**Fax** Project

SEE OK  
NOTE

4/17/07  
11:15 AM  
#

To: Lawrence Finch From: Michael Fox  
Fax: 1-404-562-9163 Fax:  
Date: 3-19-07 Pages:  
Re: CC:

☒ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Here is the proposal from Exide for the SEP  
project. The original was mailed to Robert  
Bookman Friday. He should receive it today.

If you have any questions, let me know.

Thanks,

Penis and you Mike  
Raked comments. on  
how should we proceed?

Was project all ready in planning  
and budget stage? (No)

**Exide Technologies**  
364 Exide Drive  
Bristol, TN 37620  
423.989.6894 tel  
423.989.5396 fax  
www.exideworld.com

March 15, 2007

Environmental Protection Agency, Region 4  
Attn: Mr. Robert Bookman  
61 Forsyth Drive  
Sam Nunn Atlanta Federal Center  
Mail Code: 4APT.EES  
Atlanta, GA 30303-8960

RE: Exide Technologies-Bristol, TN  
Summary of Show Cause Meeting  
February 2, 2007

Dear Mr. Bookman,

Exide Technologies (Exide) herein provides the Environmental Protection Agency (EPA) its proposed plan for a Supplemental Environmental Project (SEP) as part of the settlement of the November 29, 2006 Notice of Violation for its Bristol TN facility.

Exide proposes to construct a roof over its tank farm at the Bristol, TN plant as a Pollution Reduction project. Exide operates a tank farm for the storage of sulfuric acid that is then used in its battery manufacturing process. This tank farm consists of storage tanks, pipes, pumps, and a concrete secondary containment structure, but is not completely enclosed. The proposed project would include placing a roof over the area. There would be several environmental benefits to this project. These include:

- 1) Protect of the CPVC pipes and tanks from the elements. In particular, protecting the CPVC acid conveyance lines from ultraviolet light degradation which would improve the integrity and life expectancy of the pipe systems and potentially prevent future leaks/breaks due to CPVC degradation over time. This roof will decrease the chances of future sulfuric acid spills due to the UV degradation.
- 2) Prevention of collecting storm water in the secondary containment system and having to pump this water to Exide's onsite wastewater treatment system for treatment and discharge to the local POTW. Exide estimates that it collects and treats approximately 1,767,000 gallons of storm water from this area each year. The installation of this roof would eliminate this volume of storm water from collecting in the secondary containment structure and having to treat and discharge it to the POTW (also reducing the loading to the local POTW).

Robert Bookman  
Attn: Mr. Robert Bookman  
61 Forsyth Drive  
Sam Nunn Atlanta Federal Center  
Mail Code: 4APT.EES  
Atlanta, GA 30303-8960

Exide Technologies  
Bristol, TN 37620  
423.989.6894 tel  
423.989.5396 fax  
www.exideworld.com

**Exide Technologies**  
364 Exide Drive  
Bristol, TN 37620  
423.989.6894 tel  
423.989.5396 fax  
www.exideworld.com

The roof project would consist of installing structural steel columns, beams, and trusses along with metal or fiberglass roof panels over the tank farm (approximately 9,000 sqft). The cost of this project is estimated to be \$137,000.00. Exide is prepared to complete this project within 120 days from receiving approval from EPA on this project.

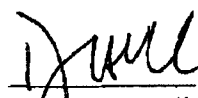
As indicated by EPA, the proposed project cost would have to be a minimum of \$19,805.00. The tank farm roof project proposed by Exide is more than six (6) times that amount. A copy of the tank farm roofing layout and contractor quotes to support the cost estimate are enclosed for your reference.

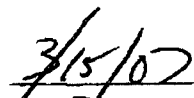
Exide appreciates the opportunity to settle this matter with the agency in this manner, and hopes the proposed project meets with EPA's approval. Exide looks forward to hearing from EPA on its approval of this supplemental environmental project for the Exide Bristol, TN facility.

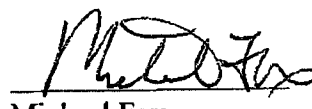
If you have any questions regarding this proposal, please contact me at 1-423-968-1010 or Michael at 1-423-989-6894.

*Rel to miha 4/17/07  
11/15 SEP OK to  
begin*

Sincerely,

  
Danny Vowell  
Plant Manager

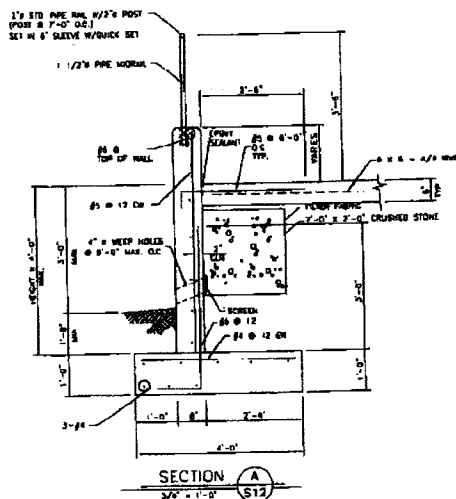
  
3/15/07  
Date

  
Michael Fox  
Environmental Manager

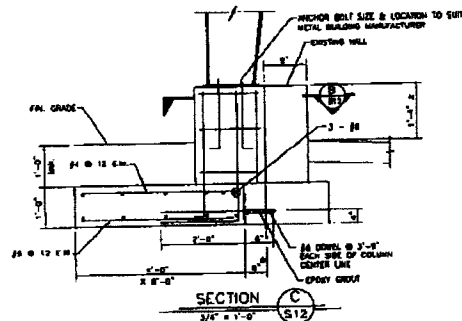
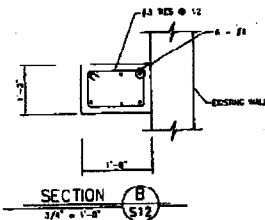
  
3/15/07  
Date

Enclosures

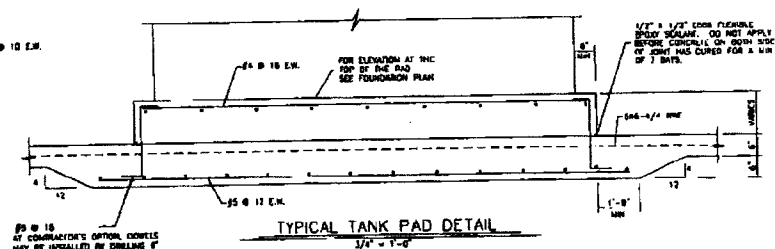
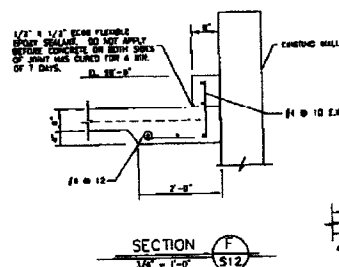
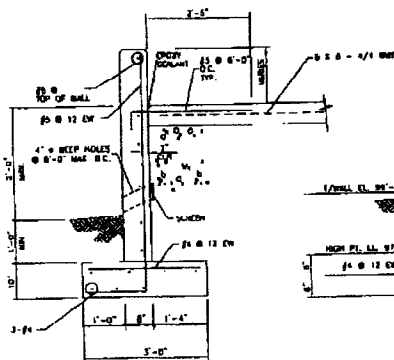
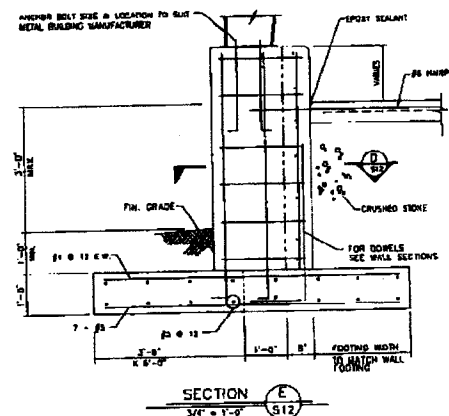
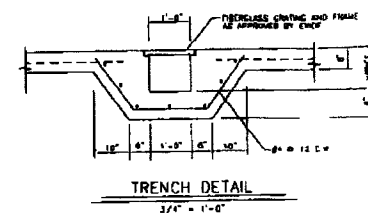
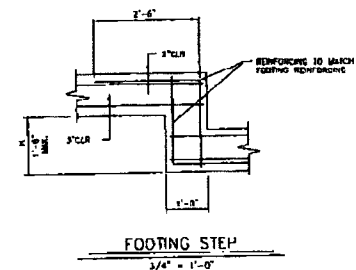
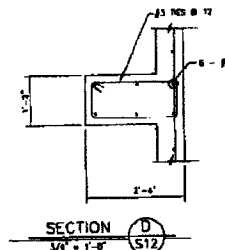
Cc: F. Ganster / Exide  
M. Cummings / Exide  
Lawrence Finchner / EPA



LOWER FOOTING AS REQUIRED TO BEAR ON UNSETTLED SOIL.  
FOOTING DESIGN WILL BE REQUIRED IF FOOTINGS ARE LOWERED.



REINFORCEMENT BEFORE START OF CONSTRUCTION IF THIS DIMENSION IS GREATER THAN 8 INCHES.  
WHEN FOOTINGS MAY BE REMOVED AFTER EXCAVATION HAS BEEN MADE.

SECTION H  
3/4" = 1'-0"SECTION I  
3/4" = 1'-0"

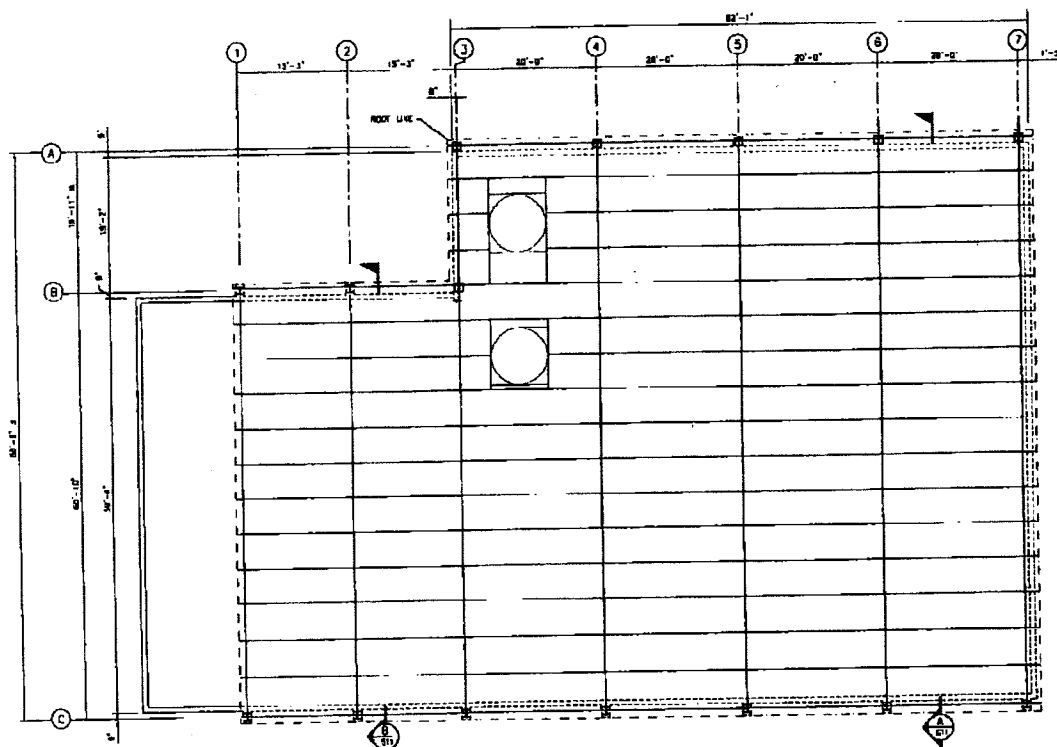
THIS PRINT AND ALL INFORMATION THEREON IS OUR PROPERTY, IS CONFIDENTIAL, AND MUST NOT BE MADE PUBLIC OR COPIED UNLESS AUTHORIZED BY US. SUBJECT TO RETURN ON DEMAND.

WALTER SEEK ENGINEERING  
981 EAST HANNA AVE.  
JOHNSON CITY, TENNESSEE 37601

REVISIONS				ACID TANK FARM	
NO.	DATE	BY	REVISIONS	SECTIONS AND DETAILS	
1	11/27/03	W. SEEK	2/4	EXIDE TECHNOLOGIES	
2				BRISTOL, TENNESSEE	
3				02102-S12	

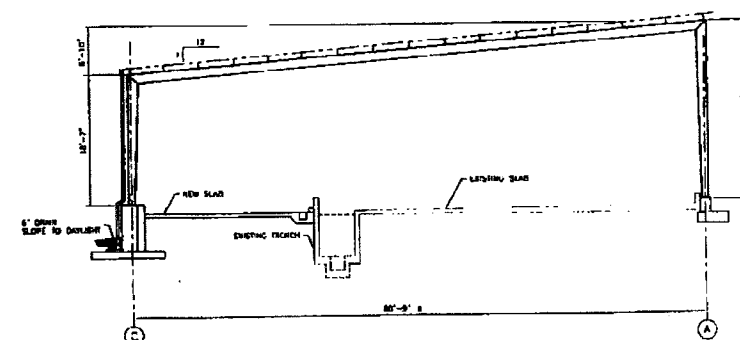
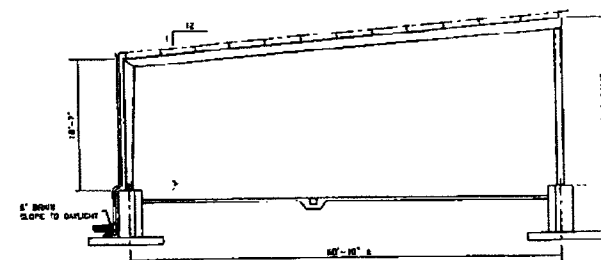
GENERAL NOTES:

1. LOAD LISTING:  
30 KIP WIND FASTEST WIND EXPOSURE C  
DEAD LOAD 20 PSF  
LIVE LOAD 25 PSF  
DO NOT REDUCE ROOF LOADS
2. ROOFING:  
CALVALINE WITH 33 FORMULAS PANELS
3. PROVIDE AN EPOXY COATING FOR ALL STRUCTURAL STEEL INCLUDING THE PURLINS
4. FORMULAS PANELS SHALL HAVE ADEQUATE STRENGTH TO SUPPORT A SAFE UNIFORM CONCENTRATED LOAD OF 200 POUNDS WITH AN SAFETY FACTOR OF 2.0. PANELS SHALL HAVE A UL58 RATING
5. EPOXY COATINGS SHALL CONFORM TO EXIDE'S SPECIFICATIONS
6. PROVIDE PRICES FOR METAL BUILDING SEPARATE FROM CONCRETE WORK



ROOF FRAMING PLAN

1/8" = 1'-0"

SECTION A  
1/8" = 1'-0"SECTION B  
1/8" = 1'-0"

THIS PRINT AND ALL INFORMATION THEREON IS OUR PROPERTY, IS CONFIDENTIAL AND MUST NOT BE MADE PUBLIC OR COPIED UNLESS AUTHORIZED BY US. SUBJECT TO RETURN ON DEMAND.

WALTER SEEK ENGINEERING

WALTER SEEK  
ENGINEERING  
601 EAST URBAN AVE.  
JOHNSON CITY, TENNESSEE 37601

REVISIONS				ROOF at ACID FARM	
NO.	DATE	BY	DESCRIPTION	NO.	DESCRIPTION
1	11/27/02	WSS	ISSUED FOR PERMIT	1	PLAN AND SECTION
2				2	EXIDE TECHNOLOGIES
3				3	BRISTOL, TENNESSEE
4				4	02102-S11

# J.A. Street & Associates

245 BIRCH ST.  
BLOUNTVILLE, TN. 37617

Mr. Salazar,

I have completed the budget estimate for the installation of the tank enclosure. I have submitted the required specifications to our pre-engineered metal building manufacturer for the fiberglass panels and we are waiting on the panel manufacturer to let us know if their product will meet the 350 lb. working loads and the 2.0 impact factor.

These are very specific requirements and we want to be sure that this panel will qualify. The estimate total below includes all the items you and Brent have discussed to this point. We will be using the existing concrete pad and foundations (except two new ones at column line 1X). The building will be constructed to the sizes specified on the drawings by Walter Seek Engineering dated 11-07-02. Both end walls will be completely open and we will not be providing any building insulation.

Excluded:  
Site prep  
Grading  
Site utilities  
Building utilities  
Painting  
Interior Office space  
Landscaping

Total Budget Estimate for 2 foundations and building structure installed

\$118,800.00

If you have any questions or comments, please feel free to contact me or Brent Harrell.

Thanks

*Tony Rogers*

Meta Building Manager - Estimator  
423-323-8011  
423-317-0972 cell  
423-323-1165 fax  
[tony.rogers@Bresstreet.com](mailto:tony.rogers@Bresstreet.com)

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#8



Exide Technologies  
364 Exide Drive  
Bristol, TN 37620  
423.989.6894 tel  
423.989.5396 fax  
www.exideworld.com

September 5, 2007

A handwritten signature, possibly "OS", followed by a long horizontal line.

Environmental Protection Agency, Region 4  
Attn: Mr. Lawrence Fincher  
61 Forsyth Drive  
Sam Nunn Atlanta Federal Center  
Atlanta, GA 30303-8960

RE: Exide Technologies-Bristol, TN  
Supplemental Environmental Project-Completion Report

Dear Mr. Fincher,

Exide Technologies (Exide) herein provides the Environmental Protection Agency (EPA) a closure for the Supplemental Environmental Project (SEP) as part of the settlement of the November 29, 2006 Notice of Violation for its Bristol TN facility.

The SEP was completed on May 30, 2007. Once the project was verbally approved by the EPA on or about March 15, Exide researched and completed bid sheets for the project to start once the final approvals were accepted. Construction of the enclosure around the acid tank farm took three weeks to complete once it was started. The 30-day notification is due to the EPA by September 8, 2007.

To comply with section 28(a) of the Consent Agreement and Final Order (CAFO), a completed affidavit is included with the submission of this report to verify completion of the SEP. Section 28(b) of the CAFO states that documentation is needed to verify parts and services rendered for the proposed SEP. Attached to this completion report is an invoice totaling \$118,800.00 from J.A. Street and Associates Inc. that verifies completion of the acid tank farm roof enclosure. This amount includes all construction material needed to erect the building, as described in the enclosed attachment and in section 26 of the CAFO that consists of metal roof panels, steel structure beams, and applicable trusses needed to cover the approximately 9,000 sq. foot enclosure. Exide originally proposed an estimated amount of \$137,000.00 to cover the cost of the project. A reduced price was due to mainly site preparation that was not included with the roof contractor. Exide was still able to exceed the amount of \$19,805.00 that was a mandatory spend amount for the SEP to be approved.





**Exide Technologies**

364 Exide Drive  
Bristol, TN 37620

423.989.6894 tel

423.989.5396 fax

[www.exideworld.com](http://www.exideworld.com)

September 5, 2007

Environmental Protection Agency, Region 4  
Attn: Mr. Lawrence Fincher  
61 Forsyth Drive  
Sam Nunn Atlanta Federal Center  
Atlanta, GA 30303-8960

RE: Exide Technologies-Bristol, TN  
Supplemental Environmental Project-Affidavit acceptance

Dear Mr. Fincher:

Exide Technologies (Exide) herein provides the Environmental Protection Agency (EPA) an affidavit for the Supplemental Environmental Project (SEP) as part of the settlement for the Bristol TN facility, as required per the Consent Agreement and Final Order (CAFO) dated on August 9, 2007.

This letter will provide closure to the SEP that consists of the acid farm tank roof originally proposed in March 2007. This is verification and confirmation that the project has been completed and in use at the Exide Technologies Bristol, TN facility.

If you have any questions about this submittal or the Supplemental Environmental Project, please contact me at 1-423-968-1010.

***Authorizing Statement for closure:***

*I, James E. York, certify under penalty of law that this document was prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations as such.*

Sincerely,

A handwritten signature in black ink, appearing to read "James E. York", with a large, stylized flourish extending from the end of the signature.

James E. York  
Plant Manager



**Exide Technologies**

364 Exide Drive  
Bristol, TN 37620

423.989.6894 tel

423.989.5396 fax

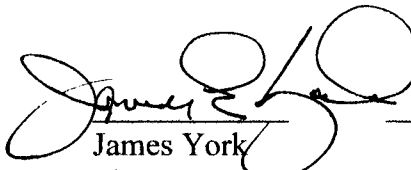
[www.exideworld.com](http://www.exideworld.com)

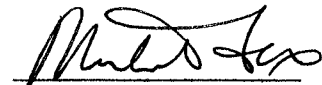
Since installation of the enclosure Exide has been able to prevent storm water from being collected in the secondary containment area of the tanks. This has enables us to not have the treat this water through our on site wastewater treatment plant reducing the volume of water discharged. The enclosure will also provide protection to the PVC piping in the acid tank farm from ultraviolet light and weather conditions that could cause damage to or shorten the life of the piping system.

Exide has received a verbal notification about payment of the \$5,281.00 penalty due to the US Treasury on or before November 1, 2007, thirty days after the CAFO is scheduled for filing with the Regional Hearing Clerk.

If you have any questions regarding this proposal, please contact me at 1-423-968-1010 or Michael at 1-423-989-6894.

Sincerely,

  
James York  
Plant Manager  
9/7/07  
Date

  
Michael Fox  
Environmental Manager  
9/7/07  
Date

Enclosures

Cc: F. Ganster / Exide  
M. Cummings / Exide

V# 9872454

**INVOICE**

P. O. Box 725  
 245 Birch Street  
 Blountville, TN 37617  
 Phone : 423-323-8017  
 Fax : 423-323-1065

NO. : 11057

Date : 5/31/2007

**TO:** Exide Technologies  
 364 Exide Drive  
 Bristol, TN 37620  
 Attention : Dave Salazar

**JASA Job No. :** 7244  
**Customer No. :** 230  
**Project :** Exide Tank Shed

P.O. 1406920

TERMS: DUE AND PAYABLE WHEN RENDERED, 1 1/2% PER MONTH INTEREST ON PAST DUE ACCOUNTS WHICH IS AN ANNUAL PERCENTAGE RATE OF 18%.

	PREVIOUS	CURRENT	TO DATE
Invoice for Completion of Acid Tank Shed as Discribed with attached Documents	\$0.00	\$0.00	\$0.00
	\$0.00	[\$118,800.00]	[\$118,800.00]
<b>Subtotal</b>	\$0.00	[\$118,800.00]	[\$118,800.00]
<b>Totals</b>	\$0.00	[\$118,800.00]	[\$118,800.00]

Total Amount Due

[\$118,800.00]

OV83238763

received  
 Dave Salazar

Paul J. Fri

6-13-07

# J.A. Street & Associates

245 BIRCH ST.  
BLOUNTVILLE, TN. 37617

Mr. Salazar,

I have completed the budget estimate for the installation of the tank enclosure. I have submitted the required specifications to our pre-engineered metal building manufacturer for the fiberglass panels and we are waiting on the panel manufacturer to let us know if their product will meet the 350 lb. working loads and the 2.0 impact factor.

These are very specific requirements and we want to be sure that this panel will qualify. The estimate total below includes all the items you and Brent have discussed to this point. We will be using the existing concrete pad and foundations (except two new ones at column line 1X), the building will be constructed to the sizes specified on the drawings by Walter Seek Engineering dated 11-07-02. Both end walls will be completely open and we will not be providing any building insulation.

Excluded:  
Site prep  
Grading  
Site utilities  
Building utilities  
Painting  
Interior Office space  
Landscaping

Total Budget Estimate for 2 foundations and building structure installed.....

\$118,800.00

If you have any questions or comments, please feel free to contact me or Brent Harrell.

Thanks,

Tony Rogers

Metal Building Manager / Estimator  
423-323-8017  
423-817-0972 cell  
423-323-1065 fax  
[tonyrogers@jastreet.com](mailto:tonyrogers@jastreet.com)

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

JUL 09 2007

FEDERAL EXPRESS

Mr. Michael Fox  
Environmental Manager  
Exide Technologies  
364 Exide Drive  
Bristol, Tennessee 37620

SUBJ: Exide Technologies  
Consent Agreement and Final Order  
CERCLA-04-2007-2034(b)

Dear Mr. Fox:

Enclosed please find a copy of the Consent Agreement and Final Order (CAFO) resulting from settlement discussions with Exide Technologies and its alleged violations of Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9603.

Please have the CAFO signed where indicated and return it within 15 calendar days of receipt of this letter to:

Lawrence Fincher  
Air, Pesticides & Toxics Management Division  
U.S. EPA, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

Upon receipt of the signed CAFO, the document will be forwarded to the Regional Judicial Officer for approval, then filed with the Regional Hearing Clerk. A copy of the filed document will then be forwarded to you.

If you have any questions, please contact Mr. Fincher at (404) 562-9190.

Sincerely,

A handwritten signature in cursive script, reading "Caron B. Falconer".

Caron B. Falconer, Chief  
EPCRA Enforcement Section

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4

IN THE MATTER OF	)	
	)	
Exide Technologies	)	Docket Number: CERCLA-04-2007-2034(b)
	)	
Respondent.	)	
_____	)	

CONSENT AGREEMENT AND FINAL ORDER

I. Nature of the Action

1. This is a civil penalty proceeding pursuant to Section 109 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. § 9609 and pursuant to the Consolidated Rules of Practice Governing Administrative Assessment of Civil Penalties, and the Revocation/Termination or Suspension of Permits (Consolidated Rules), codified at 40 CFR Part 22. Complainant is the Director of the Air, Pesticides and Toxics Management Division, Region 4, United States Environmental Protection Agency (EPA). Respondent is Exide Technologies.

2. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 CFR § 22.18 and desire to resolve this matter and settle the allegations described herein without a formal hearing. Therefore, without the taking of any evidence or testimony, the making of any argument, or the adjudication of any issue in this matter, and in accordance with 40 CFR § 22.13(b), this Consent Agreement and Final Order (CAFO) will simultaneously commence and conclude this matter.

II. Preliminary Statements

3. The authority to take action under Section 109 of CERCLA, 42 U.S.C. § 9609 is vested in the Administrator of EPA. The Administrator of EPA has delegated this authority under CERCLA to the Regional Administrators by EPA Delegation 14-31 dated May 11, 1994. The Regional Administrator, Region 4, has redelegated to the Director, Air, Pesticides and Toxics Management Division, the authority under CERCLA by EPA Region 4 Delegation 14-31 dated March 8, 1999, and updated August 6, 2004. Pursuant to this delegation, the Director of the Air, Pesticides and Toxics Management Division has the authority to commence an enforcement action as the Complainant in this matter.

4. Respondent is a corporation, doing business in the State of Tennessee.

5. Respondent is a "person" as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

6. Respondent has a "facility" as that term is defined by Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

7. Respondent's facility is located at 364 Exide Drive, Bristol, Tennessee.

8. Respondent is an "owner or operator" of the facility as that term is defined by Section 101 (20)(A) of CERCLA, 42 U.S.C. § 9601(20)(A).

9. Section 102(a) of CERCLA, 42 U.S.C. § 9602(a), required the Administrator of EPA to publish a list of substances designated as hazardous substances which, when released into the environment, may present substantial danger to public health or welfare or the environment and to promulgate regulations establishing the quantity of any hazardous substance the release of which was required to be reported under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a). EPA has published and amended such a list, including the corresponding reportable quantities (RQ) for those substances. This list initially published on April 4, 1985 (50 Fed. Reg. 13474) and with later amendments, is codified at 40 CFR Part 302.

10. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and the regulations found at 40 CFR § 302.6, require a person in charge of a facility or vessel, as soon as he or she has knowledge of a release of a hazardous substance from such facility or vessel in an amount equal to, or greater than the reportable quantity (RQ), to immediately notify the National Response Center (NRC).

11. Respondent was in charge of the facility during the relevant period described below.

12. Sulfuric acid is a hazardous substance as that term is defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), with an RQ of 1,000 pounds, as specified in 40 CFR § 302.4.

13. On October 8, 2006, Respondent had a release of sulfuric acid above the RQ at the facility.

14. EPA alleges that Respondent violated the notification requirements of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), by failing to immediately notify the NRC as soon as Respondent had knowledge of the release of sulfuric acid in an amount equal to or greater than its RQ at Respondent's facility and is therefore subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.



15. Pursuant to Section 109 of CERCLA, 42 U.S.C. § 9609, and 40 CFR Part 19, EPA may assess a penalty not to exceed \$32,500 for each violation of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), that occurred on or after March 15, 2004. Each day a violation of Section 103 continues constitutes a separate violation. Civil penalties under Section 109 of CERCLA, 42 U.S.C. § 9609, may be assessed by an Administrative Order.

### III. Consent Agreement

16. For the purposes of this CAFO, Respondent admits the jurisdictional allegations set out above but neither admits nor denies the factual allegations set out above.

17. Respondent waives any right to contest the allegations and its right to appeal the proposed final order accompanying the Consent Agreement.

18. Respondent consents to the assessment of and agrees to pay the civil penalty as set forth in this CAFO.

19. Respondent agrees to complete the Supplemental Environmental Project (SEP) set forth in this CAFO.

20. Respondent certifies that as of the date of its execution of this CAFO, it is in compliance with all relevant requirements of CERCLA.

21. Compliance with the CAFO shall resolve the allegations of violations contained herein. This CAFO shall not otherwise affect any liability of Respondent to the United States other than as expressed herein. Neither EPA nor Complainant waives any right to bring an enforcement action against Respondent for violation of any federal or state statute, regulation or permit, to initiate an action for imminent and substantial endangerment, or to pursue criminal enforcement.

22. Complainant and Respondent agree to settle this matter by their execution of this CAFO. The parties agree that the settlement of this matter is in the public interest and that this CAFO is consistent with the applicable requirements of CERCLA.

### IV. Final Order

23. Respondent is assessed a civil penalty of FIVE THOUSAND TWO HUNDRED EIGHTY-ONE DOLLARS (\$5,281) for the CERCLA violation which shall be paid within thirty (30) days of the effective date of this CAFO.

24. Respondent shall pay the CERCLA civil penalty by forwarding a cashier's or certified check, payable to "EPA Hazardous Substance Superfund" to the following address:

U.S. MAIL:

U.S. Environmental Protection Agency  
Box 371099M  
Pittsburgh, PA 15251

OVERNIGHT:

Mellon Client Service Center  
Attn: Shift Supervisor, Room 0690  
Lockbox 371099M  
500 Ross Street  
Pittsburgh, PA 15262-0001

The check shall reference on its face the name and the Docket Number of the CAFO.

25. At the time of payment, Respondent shall send a separate copy of the check, and a written statement that payment has been made in accordance with this CAFO, to the following persons at the following addresses:

Regional Hearing Clerk  
U.S. EPA, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

Lawrence Fincher  
U.S. EPA, Region 4  
Air, Pesticides & Toxics Management Division  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

Saundi Wilson  
U.S. EPA, Region 4  
Office of Environmental Accountability  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

26. Respondent shall undertake and complete, in accordance with the approved SEP in this matter, the following Pollution Reduction project to be completed within 120 days of the effective date of this CAFO. Exide Technologies will purchase the necessary materials and construct a roof over its sulfuric acid tank farm. The roof project will consist of installing structural steel columns, beams and trusses along with metal or fiberglass roof panels (approximately 9,000 square feet). Exide has estimated the cost of construction for the project to be ONE HUNDRED THIRTY-SEVEN THOUSAND DOLLARS (\$137,000). EPA has agreed to value the SEP at \$19,805. In order for Respondent to receive credit for the SEP, it must fully and timely complete the SEP project. If Respondent does not fully and timely complete the project, it shall be required to pay a stipulated penalty pursuant to paragraph 31 herein, irrespective of the amount of much money the Respondent has spent.

27. Respondent agrees that EPA may inspect the facility at any time in order to confirm that the SEP is being undertaken in conformity with the representations made herein.

28. No later than thirty (30) calendar days after the completion of the project, Respondent shall submit to EPA a SEP Completion Report. The Report shall be sent to the EPCRA Enforcement Section, to the attention of Lawrence Fincher, at the address provided above. The Report shall include the following:

(a) an affidavit from an authorized company official, attesting that the SEP has been completed or explaining in detail any failure to complete it; and

(b) copies of appropriate documentation, including invoices and receipts, showing a total amount of ONE HUNDRED THIRTY-SEVEN THOUSAND DOLLARS (\$137,000) was spent on the purchase of materials and installation to complete this project described in paragraph 26. Upon request, Respondent shall send EPA any additional documentation requested by EPA.

29. Respondent certifies that, as of the date this CAFO is signed, it is not required to perform any part of the SEP by any federal, state or local law, regulation, permit or order, or by any agreement or grant. Respondent further certifies that, as of this date, it has not received and is not negotiating to receive, credit for any part of the SEP in any other enforcement action of any kind.

30. Any public statement, oral or written, by Respondent making any reference to the SEP shall include the following language:

"This project was undertaken in connection with the settlement of enforcement action taken by the U.S. Environmental Protection Agency for violation of Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act."

31. If Respondent fails to timely and fully complete the required SEP project (construction of a roof over the sulfuric acid tank farm) according to paragraph 26 of this Consent Agreement and Final Order, Respondent shall pay a stipulated penalty to EPA in the amount of NINETEEN THOUSAND EIGHT HUNDRED AND FIVE DOLLARS (\$19,805.00).

For purposes of this paragraph, whether Respondent has fully and timely completed the SEP and whether Respondent made a good faith effort to do so shall be in the sole discretion of EPA.

32. If Respondent fails to timely submit a SEP Completion Report as required by this CAFO, Respondent shall pay to the United States a stipulated penalty of \$100 for each calendar day the report is late.

33. Respondent shall pay any stipulated penalties that accrue under this CAFO within 15 calendar days of the receipt by Respondent of written demand from EPA for such penalties. Such penalties shall be paid in accordance with the procedures set forth above for the payment of

the civil penalty. If Respondent believes the demand for payment of any stipulated penalty is erroneous or contrary to law, Respondent may request a meeting with the Director, Air, Pesticides & Toxics Management Division.

34. Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on the civil penalty from the date of entry of the CAFO if the penalty is not paid by the date required. Interest will be assessed at the rate established by the Secretary of Treasury pursuant to 31 U.S.C. § 3717. A charge will be assessed to cover the costs of debt collection, including processing and handling costs and attorney fees. In addition, a penalty charge will be assessed on any portion of the debt that remains delinquent more than ninety (90) days after payment is due.

35. Complainant and Respondent shall bear their own costs and attorney fees in this matter.

36. This CAFO shall be binding upon the Respondent, its successors, and assigns.

37. The following individual represents EPA in this matter and is authorized to receive service for EPA in this proceeding:

Caron B. Falconer  
U.S. EPA, Region 4  
Air Pesticides & Toxics Management Division  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
(404) 562-8451

38. Each undersigned representative of the parties to this CAFO certifies that he or she is fully authorized by the party represented to enter into this CAFO and legally bind that party to it.

V. Effective Date

39. The effective date of this CAFO shall be the date on which the CAFO is filed with the Regional Hearing Clerk.

## AGREED AND CONSENTED TO:

Exide Technologies

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Name: \_\_\_\_\_ (Typed or Printed)  
Title: \_\_\_\_\_ (Typed or Printed)

U.S. Environmental Protection Agency

By: Carol H. Kemberger Date: 7/2/07  
Beverly H. Banister, Director  
Air, Pesticides & Toxics  
Management Division  
Region 4

APPROVED AND SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Susan B. Schub  
Regional Judicial Officer

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

CERTIFIED MAIL

RETURNED RECEIPT REQUESTED

OCT 03 2007

Mr. Michael Fox  
Environmental Manager  
Exide Technologies  
364 Exide Drive  
Bristol, Tennessee 37620

SUBJECT: Exide Technologies  
Consent Agreement and Final Order  
Docket No. CERCLA-04-2008-2000(b)

Dear Mr. Fox:

Enclosed please find an executed copy of the Consent Agreement and Final Order (CAFO) that resolves the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) matter (Docket No. CERCLA-04-2008-2000(b)) involving Exide Technologies. The CAFO was filed with the Regional Hearing Clerk, as required by 40 CFR Part 22 and became effective on the date of the filing. Please note that the Docket Number for the CAFO has been changed from CERCLA-04-2007-2034(b) to CERCLA-04-2008-2000(b).

The Environmental Protection Agency (EPA) acknowledges completion of the Supplemental Environmental Project (SEP) by Exide Technologies.

Also enclosed, please find a copy of the "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document puts you on notice of your potential duty to disclose to the Security and Exchange Commission (SEC) any environmental enforcement actions taken by the Environmental Protection Agency (EPA). If you have any questions with regards to the SEC's environmental disclosure requirements, you may refer to the contact phone number at the bottom of the SEC Notice.

If you have any questions, please call Mr. Lawrence Fincher at (404) 562-9190.

Sincerely,

Caron B. Falconer, Chief  
EPCRA Enforcement Section

Enclosures

## Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings

Securities and Exchange Commission Regulations require companies registered with the SEC (e.g., publicly traded companies) to disclose, on at least a quarterly basis, the existence of certain administrative or judicial proceedings taken against them arising under Federal, State or local provisions that have the primary purpose of protecting the environment. Instruction 5 to Item 103 of the SEC's Regulation S-K (17 CFR 229.103) requires disclosure of these environmental legal proceedings. For those SEC registrants that use the SEC's "small business issuer" reporting system, Instructions 1-4 to Item 103 of the SEC's Regulation S-B (17 CFR 228.103) require disclosure of these environmental legal proceedings.

If you are an SEC registrant, you have a duty to disclose the existence of pending or known to be contemplated environmental legal proceedings that meet any of the following criteria (17 CFR 229.103(5)(A)-(C)):

- A. Such proceeding is material to the business or financial condition of the registrant;
- B. Such proceeding involves primarily a claim for damages, or involves potential monetary sanctions, capital expenditures, deferred charges or charges to income and the amount involved, exclusive of interest and costs, exceeds 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis; or
- C. A governmental authority is a party to such proceeding and such proceeding involves potential monetary sanctions, unless the registrant reasonably believes that such proceeding will result in no monetary sanctions, or in monetary sanctions, exclusive of interest and costs, of less than \$100,000; provided, however, that such proceedings which are similar in nature may be grouped and described generically.

Specific information regarding the environmental legal proceedings that must be disclosed is set forth in Item 103 of Regulation S-K, or, for registrants using the "small business issuer" reporting system, Item 103(a)-(b) of Regulation S-B. If disclosure is required, it must briefly describe the proceeding, "including the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceedings and the relief sought."

You have been identified as a party to an environmental legal proceeding to which the United States government is, or was, a party. If you are an SEC registrant, this environmental legal proceeding may trigger, or may already have triggered, the disclosure obligation under the SEC regulations described above.

This notice is being provided to inform you of SEC registrants' duty to disclose any relevant environmental legal proceeding to the SEC. This notice does not create, modify, or interpret any existing legal obligations, it is not intended to be an exhaustive description of the legally applicable requirements and it is not a substitute for regulations published in the Code of Federal Regulations. This notice has been issued to you for information purposes only. No determination of the applicability of this reporting requirement to your company has been made by any governmental entity. You should seek competent counsel in determining the applicability of these and other SEC requirements to the environmental legal proceeding at issue, as well as any other proceedings known to be contemplated by government authorities.

If you have any questions about the SEC's environmental disclosure requirements, please contact the Office of Chief Counsel of the SEC's Division of Corporation Finance. The phone number is (202) 551-3500.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4**

IN THE MATTER OF )

Exide Technologies )

Respondent. )

---

) Docket Number: CERCLA-04-2008-2000(b)

CONSENT AGREEMENT AND FINAL ORDER

I. Nature of the Action

1. This is a civil penalty proceeding pursuant to Section 109 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. § 9609 and pursuant to the Consolidated Rules of Practice Governing Administrative Assessment of Civil Penalties, and the Revocation/Termination or Suspension of Permits (Consolidated Rules), codified at 40 CFR Part 22. Complainant is the Director of the Air, Pesticides and Toxics Management Division, Region 4, United States Environmental Protection Agency (EPA). Respondent is Exide Technologies.

2. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 CFR § 22.18 and desire to resolve this matter and settle the allegations described herein without a formal hearing. Therefore, without the taking of any evidence or testimony, the making of any argument, or the adjudication of any issue in this matter, and in accordance with 40 CFR § 22.13(b), this Consent Agreement and Final Order (CAFO) will simultaneously commence and conclude this matter.

II. Preliminary Statements

3. The authority to take action under Section 109 of CERCLA, 42 U.S.C. § 9609 is vested in the Administrator of EPA. The Administrator of EPA has delegated this authority under CERCLA to the Regional Administrators by EPA Delegation 14-31 dated May 11, 1994. The Regional Administrator, Region 4, has redelegated to the Director, Air, Pesticides and Toxics Management Division, the authority under CERCLA by EPA Region 4 Delegation 14-31 dated March 8, 1999, and updated August 6, 2004. Pursuant to this delegation, the Director of the Air, Pesticides and Toxics Management Division has the authority to commence an enforcement action as the Complainant in this matter.

4. Respondent is a corporation, doing business in the State of Tennessee.

5. Respondent is a "person" as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

6. Respondent has a "facility" as that term is defined by Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

7. Respondent's facility is located at 364 Exide Drive, Bristol, Tennessee.

8. Respondent is an "owner or operator" of the facility as that term is defined by Section 101 (20)(A) of CERCLA, 42 U.S.C. § 9601(20)(A).

9. Section 102(a) of CERCLA, 42 U.S.C. § 9602(a), required the Administrator of EPA to publish a list of substances designated as hazardous substances which, when released into the environment, may present substantial danger to public health or welfare or the environment and to promulgate regulations establishing the quantity of any hazardous substance the release of which was required to be reported under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a). EPA has published and amended such a list, including the corresponding reportable quantities (RQ) for those substances. This list initially published on April 4, 1985 (50 Fed. Reg. 13474) and with later amendments, is codified at 40 CFR Part 302.

10. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and the regulations found at 40 CFR § 302.6, require a person in charge of a facility or vessel, as soon as he or she has knowledge of a release of a hazardous substance from such facility or vessel in an amount equal to, or greater than the reportable quantity (RQ), to immediately notify the National Response Center (NRC).

11. Respondent was in charge of the facility during the relevant period described below.

12. Sulfuric acid is a hazardous substance as that term is defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), with an RQ of 1,000 pounds, as specified in 40 CFR § 302.4.

13. On October 8, 2006, Respondent had a release of sulfuric acid above the RQ at the facility.

14. EPA alleges that Respondent violated the notification requirements of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), by failing to immediately notify the NRC as soon as Respondent had knowledge of the release of sulfuric acid in an amount equal to or greater than its RQ at Respondent's facility and is therefore subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

15. Pursuant to Section 109 of CERCLA, 42 U.S.C. § 9609, and 40 CFR Part 19, EPA may assess a penalty not to exceed \$32,500 for each violation of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a). Each day a violation of Section 103 continues constitutes a separate violation. Civil penalties under Section 109 of CERCLA, 42 U.S.C. § 9609, may be assessed by an Administrative Order.

### III. Consent Agreement

16. For the purposes of this CAFO, Respondent admits the jurisdictional allegations set out above but neither admits nor denies the factual allegations set out above.

17. Respondent waives any right to contest the allegations and its right to appeal the proposed final order accompanying the Consent Agreement.

18. Respondent consents to the assessment of and agrees to pay the civil penalty as set forth in this CAFO.

19. Respondent agrees to complete the Supplemental Environmental Project (SEP) set forth in this CAFO.

20. Respondent certifies that as of the date of its execution of this CAFO, it is in compliance with all relevant requirements of CERCLA.

21. Compliance with the CAFO shall resolve the allegations of violations contained herein. This CAFO shall not otherwise affect any liability of Respondent to the United States other than as expressed herein. Neither EPA nor Complainant waives any right to bring an enforcement action against Respondent for violation of any federal or state statute, regulation or permit, to initiate an action for imminent and substantial endangerment, or to pursue criminal enforcement.

22. Complainant and Respondent agree to settle this matter by their execution of this CAFO. The parties agree that the settlement of this matter is in the public interest and that this CAFO is consistent with the applicable requirements of CERCLA.

### IV. Final Order

23. Respondent is assessed a civil penalty of FIVE THOUSAND TWO HUNDRED EIGHTY-ONE DOLLARS (\$5,281) for the CERCLA violation which shall be paid within thirty (30) days of the effective date of this CAFO.

24. Respondent shall pay the CERCLA civil penalty by forwarding a cashier's or certified check, payable to "EPA Hazardous Substance Superfund" to the following address:

U.S. MAIL:

U.S. Environmental Protection Agency  
Box 371099M  
Pittsburgh, PA 15251

OVERNIGHT:

Mellon Client Service Center  
Attn: Shift Supervisor, Room 0690  
Lockbox 371099M  
500 Ross Street  
Pittsburgh, PA 15262-0001

The check shall reference on its face the name and the Docket Number of the CAFO.

25. At the time of payment, Respondent shall send a separate copy of the check, and a written statement that payment has been made in accordance with this CAFO, to the following persons at the following addresses:

Regional Hearing Clerk  
U.S. EPA, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

Lawrence Fincher  
U.S. EPA, Region 4  
Air, Pesticides & Toxics Management Division  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

Saundi Wilson  
U.S. EPA, Region 4  
Office of Environmental Accountability  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303

26. Respondent shall undertake and complete, in accordance with the approved SEP in this matter, the following Pollution Reduction project to be completed within 120 days of the effective date of this CAFO. Exide Technologies will purchase the necessary materials and construct a roof over its sulfuric acid tank farm. The roof project will consist of installing structural steel columns, beams and trusses along with metal or fiberglass roof panels (approximately 9,000 square feet). Exide has estimated the cost of construction for the project to be ONE HUNDRED THIRTY-SEVEN THOUSAND DOLLARS (\$137,000). EPA has agreed to value the SEP at \$19,805. In order for Respondent to receive credit for the SEP, it must fully and timely complete the SEP project. If Respondent does not fully and timely complete the project, it shall be required to pay a stipulated penalty pursuant to paragraph 31 herein, irrespective of the amount of money the Respondent has spent.

27. Respondent agrees that EPA may inspect the facility at any time in order to confirm that the SEP is being undertaken in conformity with the representations made herein.

28. No later than thirty (30) calendar days after the completion of the project, Respondent shall submit to EPA a SEP Completion Report. The Report shall be sent to the EPCRA Enforcement Section, to the attention of Lawrence Fincher, at the address provided above. The Report shall include the following:

(a) an affidavit from an authorized company official, attesting that the SEP has been completed or explaining in detail any failure to complete it; and

(b) copies of appropriate documentation, including invoices and receipts, showing a total amount of ONE HUNDRED THIRTY-SEVEN THOUSAND DOLLARS (\$137,000) was spent on the purchase of materials and installation to complete this project described in paragraph 26. Upon request, Respondent shall send EPA any additional documentation requested by EPA.

29. Respondent certifies that, as of the date this CAFO is signed, it is not required to perform any part of the SEP by any federal, state or local law, regulation, permit or order, or by any agreement or grant. Respondent further certifies that, as of this date, it has not received and is not negotiating to receive, credit for any part of the SEP in any other enforcement action of any kind.

30. Any public statement, oral or written, by Respondent making any reference to the SEP shall include the following language:

"This project was undertaken in connection with the settlement of enforcement action taken by the U.S. Environmental Protection Agency for violation of Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act."

31. If Respondent fails to timely and fully complete the required SEP project (construction of a roof over the sulfuric acid tank farm) according to paragraph 26 of this Consent Agreement and Final Order, Respondent shall pay a stipulated penalty to EPA in the amount of NINETEEN THOUSAND EIGHT HUNDRED AND FIVE DOLLARS (\$19,805.00).

For purposes of this paragraph, whether Respondent has fully and timely completed the SEP and whether Respondent made a good faith effort to do so shall be in the sole discretion of EPA.

32. If Respondent fails to timely submit a SEP Completion Report as required by this CAFO, Respondent shall pay to the United States a stipulated penalty of \$100 for each calendar day the report is late.

33. Respondent shall pay any stipulated penalties that accrue under this CAFO within 15 calendar days of the receipt by Respondent of written demand from EPA for such penalties. Such penalties shall be paid in accordance with the procedures set forth above for the payment of

the civil penalty. If Respondent believes the demand for payment of any stipulated penalty is erroneous or contrary to law, Respondent may request a meeting with the Director, Air, Pesticides & Toxics Management Division.

34. Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on the civil penalty from the date of entry of the CAFO if the penalty is not paid by the date required. Interest will be assessed at the rate established by the Secretary of Treasury pursuant to 31 U.S.C. § 3717. A charge will be assessed to cover the costs of debt collection, including processing and handling costs and attorney fees. In addition, a penalty charge will be assessed on any portion of the debt that remains delinquent more than ninety (90) days after payment is due.

35. Complainant and Respondent shall bear their own costs and attorney fees in this matter.

36. This CAFO shall be binding upon the Respondent, its successors, and assigns.

37. The following individual represents EPA in this matter and is authorized to receive service for EPA in this proceeding:

Caron B. Falconer  
U.S. EPA, Region 4  
Air Pesticides & Toxics Management Division  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
(404) 562-8451

38. Each undersigned representative of the parties to this CAFO certifies that he or she is fully authorized by the party represented to enter into this CAFO and legally bind that party to it.

V. Effective Date

39. The effective date of this CAFO shall be the date on which the CAFO is filed with the Regional Hearing Clerk.

## AGREED AND CONSENTED TO:

Exide Technologies

By: [Signature] Date: 8/16/07  
Name: JAMES E. YORK (Typed or Printed)  
Title: PLANT MGR. (Typed or Printed)

U.S. Environmental Protection Agency

By: [Signature] Date: 7/2/07  
Beverly H. Banister, Director  
Air, Pesticides & Toxics  
Management Division  
Region 4

APPROVED AND SO ORDERED this 2<sup>nd</sup> day of October, 2007.

[Signature]  
Susan B. Schub  
Regional Judicial Officer

CERTIFICATE OF SERVICE

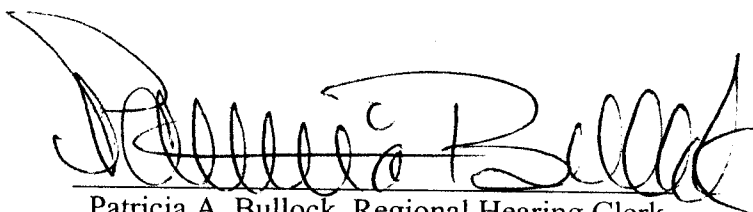
I hereby certify that I have this day served a true and correct copy of the foregoing  
Consent Agreement and Final Order, In the Matter of Exide Technologies, Docket  
No. CERCLA-04-2008-2000(b), on the parties listed below in the manner indicated:

Caron B. Falconer (Via EPA's internal mail)  
U.S. EPA, Region 4  
61 Forsyth Street  
Atlanta, GA 30303

Nancy Tommelleo (Via EPA's internal mail)  
U.S. EPA, Region 4  
Office of Environmental Accountability  
61 Forsyth Street  
Atlanta, GA 30303

Mr. Michael Fox  
Environmental Manager  
Exide Technologies  
364 Exide Drive  
Bristol, TN 37620 (Certified Mail - Return Receipt Requested)

Date: 10-3-07



Patricia A. Bullock, Regional Hearing Clerk  
United States Environmental  
Protection Agency, Region 4  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, GA 30303  
(404) 562-9511



**EPA ACCOUNTS RECEIVABLE CONTROL NUMBER FORM**

**TO BE COMPLETED BY THE ORIGINATING OFFICE:**

(Attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: Saundi J. Wilson on 10/1/07  
(Name) (Date)

in the OEH at (404) 562-9504  
(Office) (Telephone Number)

☐ Non-SF Judicial Order/Consent Decree  
USAO COLLECTS

☒ Administrative Order/Consent Agreement  
FMO COLLECTS PAYMENT

☐ SF Judicial Order/Consent Decree  
DOJ COLLECTS

☐ Oversight Billing - Cost Package required:  
Sent with bill

☐ Other Receivable

☐ Not sent with bill

☐ This is an original debt

☐ Oversight Billing - Cost Package not required

☐ This is a modification

PAYEE: Exide Technologies  
(Name of person and/or Company/Municipality making the payment)

The Total Dollar Amount of the Receivable: \$ 5281  
(If installments, attach schedule of amounts and respective due dates. See Other side of this form.)

The Case Docket Number: PERCLA of 2008-2000 (6)

The Site Specific Superfund Account Number: \_\_\_\_\_

The Designated Regional/Headquarters Program Office: \_\_\_\_\_

**TO BE COMPLETED BY LOCAL FINANCIAL MANAGEMENT OFFICE:**

The IFMS Accounts Receivable Control Number is: \_\_\_\_\_ Date: \_\_\_\_\_

If you have any questions, please call: \_\_\_\_\_ of the Financial Management Section at: \_\_\_\_\_

**DISTRIBUTION:**

A. **JUDICIAL ORDERS:** Copies of this form with an attached copy of the front page of the **FINAL JUDICIAL ORDER** should be mailed to:

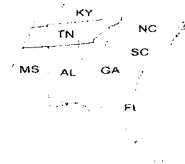
- |  |   |
|--|---|
| 1. Debt Tracking Officer<br>Environmental Enforcement Section<br>Department of Justice RM 1647<br>P.O. Box 7611, Benjamin Franklin Station<br>Washington, D.C. 20044 | 2. Originating Office (EAD)<br>3. Designated Program Office |
|--|---|

B. **ADMINISTRATIVE ORDERS:** Copies of this form with an attached copy of the front page of the Administrative Order should be to:

- |  |   |
|--|---|
| 1. Originating Office<br>2. Regional Hearing Clerk | 3. Designated Program Office<br>4. Regional Counsel (EAD) |
|--|---|



# Air & EPCRA Enforcement Branch



October 1, 2007

ROUTING AND TRANSMITTAL SLIP		
TO:	Initials	Date
1. Lawrence Fincher	LCF	10/1/07
2. Caron Falconer	CF	10/1/07
3. Bob Caplan	RWC	10/1/07
4. Saundi Wilson <i>SW</i>	SW	10/1/07
5. Susan Schub/Patricia Bullock	SSB	10/2/07
6. Bobbie Haskell		
7.		
8. -		

<b>ACTION REQUESTED:</b> Review and Sign
--

REMARKS: Signed CAFO for Exide Technologies, Bristol, TN Caron Falconer x 2-8451	AEEB

Region IV Routing and Transmittal Slip Form (May 17, 2000)

CERTIFIED MAIL  
RETURNED RECEIPT REQUESTED

Mr. Michael Fox  
Environmental Manager  
Exide Technologies  
364 Exide Drive  
Bristol, Tennessee 37620

SUBJECT: Exide Technologies  
Consent Agreement and Final Order  
Docket No. CERCLA-04-2008-2000(b)

Dear Mr. Fox:

Enclosed please find an executed copy of the Consent Agreement and Final Order (CAFO) that resolves the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) matter (Docket No. CERCLA-04-2008-2000(b)) involving Exide Technologies. The CAFO was filed with the Regional Hearing Clerk, as required by 40 CFR Part 22 and became effective on the date of the filing. Please note that the Docket Number for the CAFO has been changed from CERCLA-04-2007-2034(b) to CERCLA-04-2008-2000(b).

The Environmental Protection Agency (EPA) acknowledges completion of the Supplemental Environmental Project (SEP) by Exide Technologies.

Also enclosed, please find a copy of the "Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings." This document puts you on notice of your potential duty to disclose to the Security and Exchange Commission (SEC) any environmental enforcement actions taken by the Environmental Protection Agency (EPA). If you have any questions with regards to the SEC's environmental disclosure requirements, you may refer to the contact phone number at the bottom of the SEC Notice.

If you have any questions, please call Mr. Lawrence Fincher at (404) 562-9190.

Sincerely,

Caron B. Falconer, Chief  
EPCRA Enforcement Section

Enclosures

	<i>CF 10/11/07</i>	<i>pur to 10/11/07</i>	
Fincher	Falconer	Caplan	Legal Specialist

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#11  
**Armstrong, Kathy**

---

**From:** Tucker, Marlene  
**Sent:** Wednesday, April 12, 2017 2:48 PM  
**To:** Armstrong, Kathy  
**Subject:** FW: Exide Technologies FOIA EPA-R4-2017-005642

Kathy,

As per our telephone conversation, I will be forwarding the email response I received concerning the above-referenced facility.

Regards

**Marlene Tucker**

**From:** Febres, Andres  
**Sent:** Wednesday, April 05, 2017 10:45 AM  
**To:** Benjamin, Lynorae <benjamin.lynorae@epa.gov>; Tucker, Marlene <Tucker.Marlene@epa.gov>  
**Cc:** Taylor, Kevin <Taylor.Kevin@epa.gov>; Dubose, Dick <DuBose.Dick@epa.gov>; Russo, Todd <Russo.Todd@epa.gov>; Carlton-Carew, Njeri <carlton-carew.njeri@epa.gov>; Rinck, Todd <Rinck.Todd@epa.gov>; Waterson, Sara <Waterson.Sara@epa.gov>  
**Subject:** RE: Exide Technologies FOIA EPA-R4-2017-005642

Hi Marlene,

I checked through all my files for this case and have nothing on violations that we could use for the FOIA request. As Lynorae mentioned, in terms of Air quality violation, the area has been clean for a long time but if you are looking for facility violations, definitely the enforcement folks should have more information.

**Andres Febres** | Environmental Engineer  
Air Regulatory Management Section  
US EPA Region 4 | Air, Pesticides & Toxics Management Division

Phone: 404.562.8966  
E-mail: [febres-martinez.andres@epa.gov](mailto:febres-martinez.andres@epa.gov)  
61 Forsyth St. SW  
Atlanta, GA 30303

**From:** Benjamin, Lynorae  
**Sent:** Wednesday, April 05, 2017 9:01 AM  
**To:** Tucker, Marlene <Tucker.Marlene@epa.gov>  
**Cc:** Febres, Andres <febres-martinez.andres@epa.gov>; Taylor, Kevin <Taylor.Kevin@epa.gov>; Dubose, Dick <DuBose.Dick@epa.gov>; Russo, Todd <Russo.Todd@epa.gov>; Carlton-Carew, Njeri <carlton-carew.njeri@epa.gov>; Rinck, Todd <Rinck.Todd@epa.gov>; Waterson, Sara <Waterson.Sara@epa.gov>  
**Subject:** RE: Exide Technologies FOIA EPA-R4-2017-005642

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US EPA Region 4 | Air, Pesticides & Toxics Management Division

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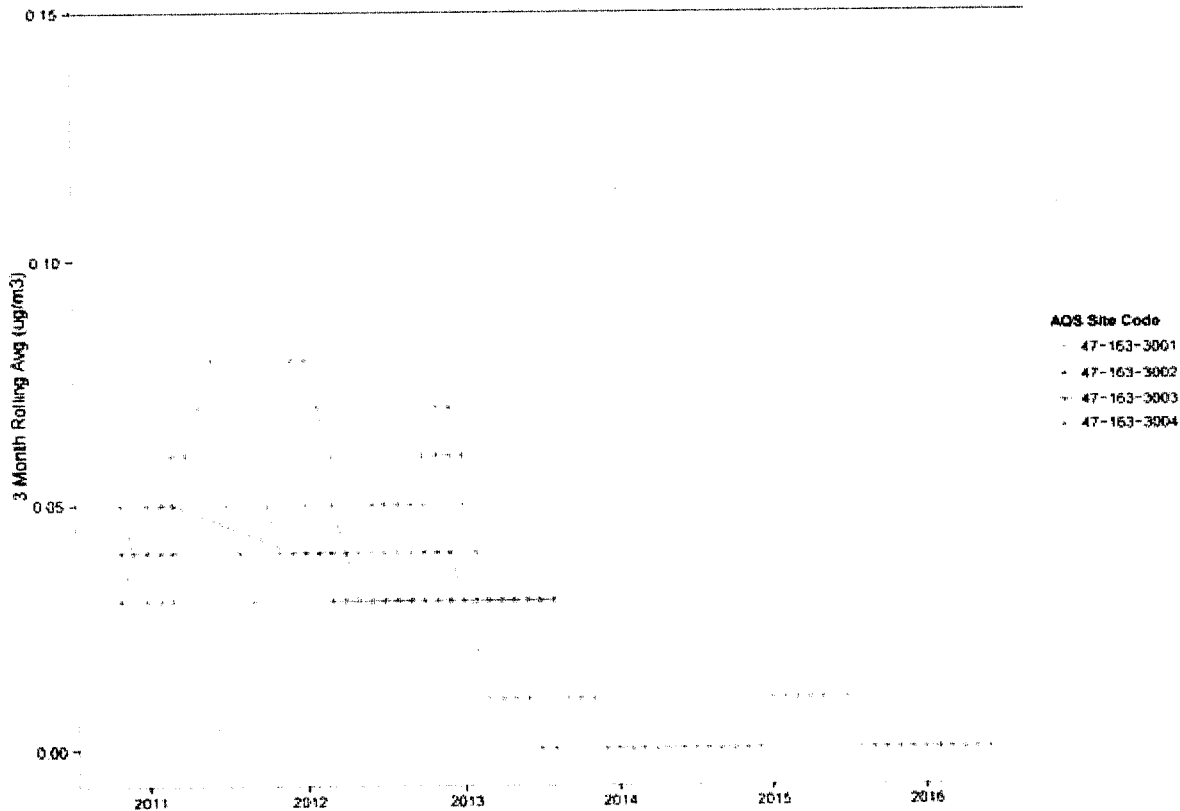
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Bristol, TN 3-Month Rolling Avg  
Pb Concentrations 2011-2016



Thanks-  
Sara

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# 14

**Armstrong, Kathy**

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**Sent:** Wednesday, April 12, 2017 2:49 PM  
**To:** Armstrong, Kathy  
**Subject:** FW: Exide Technologies FOIA EPA-R4-2017-005642  
**Attachments:** Design value report 04052017.xlsx

*Marlene Tucker*

**From:** Carlton-Carew, Njeri  
**Sent:** Friday, April 07, 2017 10:05 AM  
**To:** Waterson, Sara <Waterson.Sara@epa.gov>; Febres, Andres <febres-martinez.andres@epa.gov>; Benjamin, Lynorae <benjamin.lynorae@epa.gov>; Tucker, Marlene <Tucker.Marlene@epa.gov>  
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**Subject:** RE: Exide Technologies FOIA EPA-R4-2017-005642

All,

Attached are the Pb design values from 2000-2016 in Sullivan County in TN. From that data set, there were several violations ranging from 2000-2008 from two monitors (47-163-3001 and 47-163-3003). In 2008, Pb NAAQS was 1.5 ug/m3 average over a calendar quarter instead of a 3-month rolling average as it currently stands. Since the NAAQS revision, there have been no violations from the 3-monthly rolling average from 2009-present.

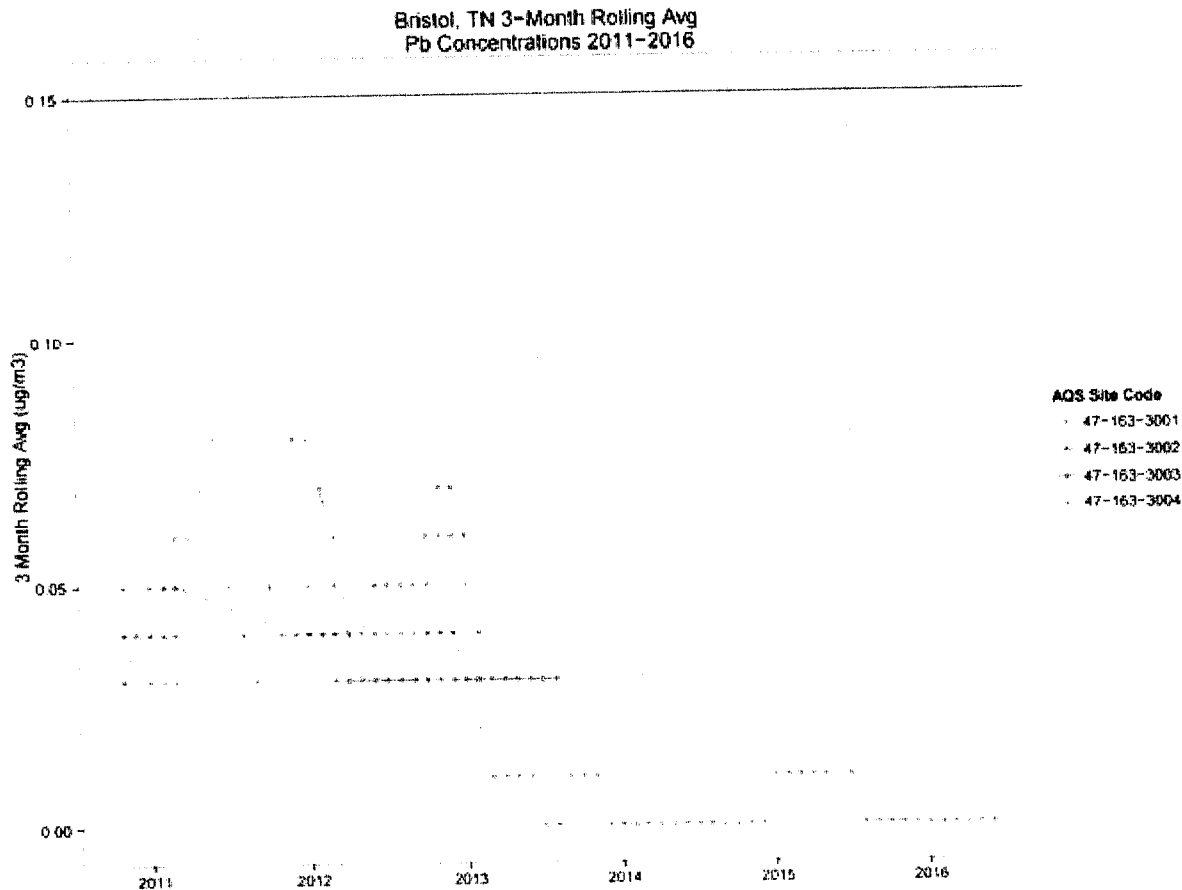
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**Sent:** Tuesday, April 04, 2017 2:24 PM  
**To:** Capel, Susan <[Capel.Susan@epa.gov](mailto:Capel.Susan@epa.gov)>; Luetscher, Greg <[Luetscher.Greg@epa.gov](mailto:Luetscher.Greg@epa.gov)>; Rubini, Suzanne <[Rubini.Suzanne@epa.gov](mailto:Rubini.Suzanne@epa.gov)>; Mancusi-Ungaro, Philip <[Mancusi-Ungaro.Philip@epa.gov](mailto:Mancusi-Ungaro.Philip@epa.gov)>  
**Cc:** Armstrong, Kathy <[Armstrong.Kathy@epa.gov](mailto:Armstrong.Kathy@epa.gov)>  
**Subject:** Is there an attorney assigned to Exide Technologies? Thanks! EPA-R4-2017-005642

**Hello, I am requesting any history of EPA violations on file for Exide Technologies at 364 Exide Dr. Bristol, TN 37620. Exide Technologies is a battery manufacturing company that was open for several years and was a large employer in Bristol, TN until it closed in 2014. It recently announced plans to open a portion of the facility again. However, many citizens are concerned about the environmental impact the facility could have on the community. As the company is in its application process with the state, we would like to see these records to inform the public about what environmental dangers the company has imposed in the past and how the violations were handled by the company. Thank you Kristi O'Connor**

**Link:** <https://foiaonline.regulations.gov:443/foia/action/public/view/request/81248b61>

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**Armstrong, Kathy**

#15

**From:** Tucker, Marlene  
**Sent:** Wednesday, April 12, 2017 2:49 PM  
**To:** Armstrong, Kathy  
**Subject:** FW: Exide Technologies FOIA EPA-R4-2017-005642

*Marlene Tucker*

**From:** Carlton-Carew, Njeri  
**Sent:** Friday, April 07, 2017 4:17 PM  
**To:** Waterson, Sara <Waterson.Sara@epa.gov>; Febres, Andres <febres-martinez.andres@epa.gov>; Benjamin, Lynorae <benjamin.lynorae@epa.gov>; Tucker, Marlene <Tucker.Marlene@epa.gov>  
**Cc:** Taylor, Kevin <Taylor.Kevin@epa.gov>; Dubose, Dick <DuBose.Dick@epa.gov>; Russo, Todd <Russo.Todd@epa.gov>; Rinck, Todd <Rinck.Todd@epa.gov>; Garver, Daniel <Garver.Daniel@epa.gov>; Palmer, Darren <Palmer.Darren@epa.gov>  
**Subject:** RE: Exide Technologies FOIA EPA-R4-2017-005642

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Njeri

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Thanx!

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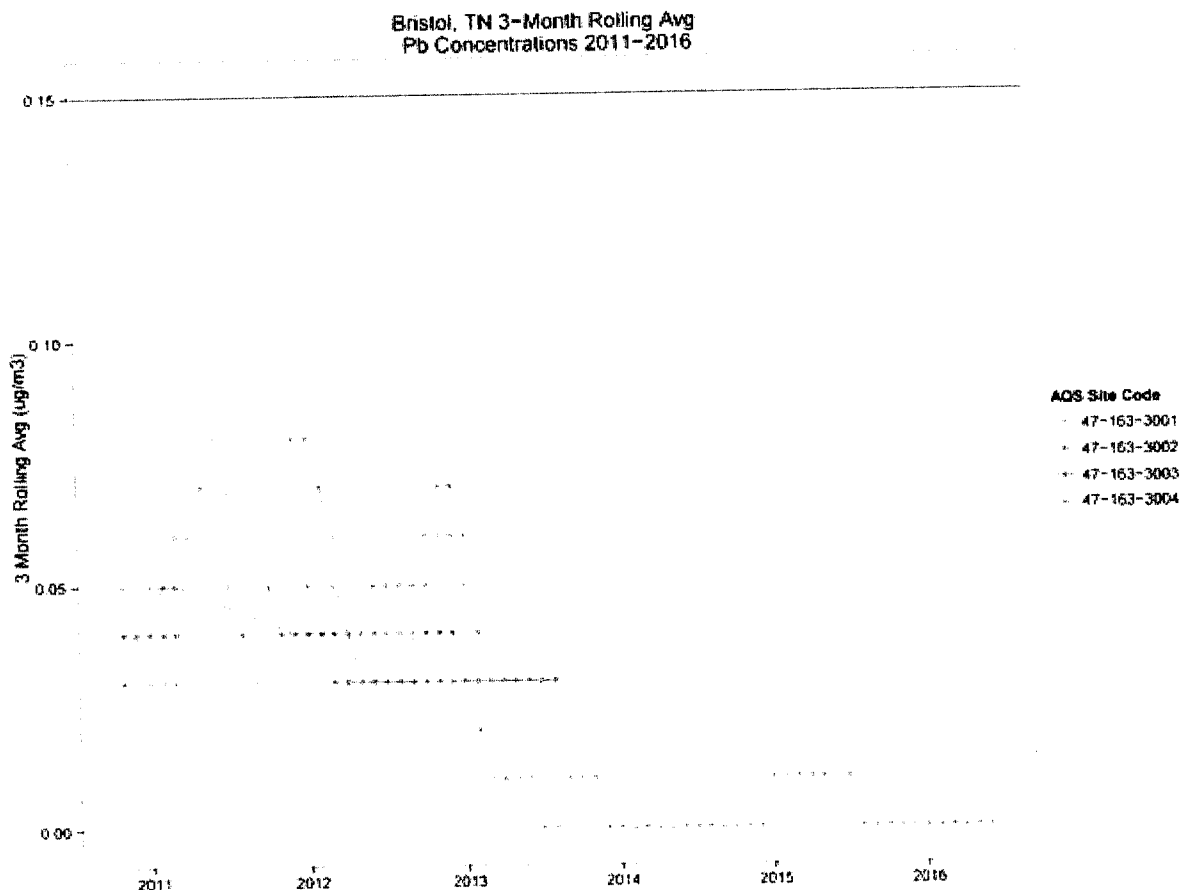
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**Cc:** Taylor, Kevin; Dubose, Dick; Russo, Todd; Carlton-Carew, Njeri; Rinck, Todd; Waterson, Sara

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Hi Marlene,

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**Andres Febres** | Environmental Engineer

Air Regulatory Management Section

US EPA Region 4 | Air, Pesticides & Toxics Management Division

Phone: 404.562.8966

E-mail: [febres-martinez.andres@epa.gov](mailto:febres-martinez.andres@epa.gov)

61 Forsyth St. SW

Atlanta, GA 30303

---

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**To:** Tucker, Marlene <[Tucker.Marlene@epa.gov](mailto:Tucker.Marlene@epa.gov)>

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I hope your day is going well.

Lynorae

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#16

**Armstrong, Kathy**

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**From:** Tucker, Marlene  
**Sent:** Wednesday, April 12, 2017 2:50 PM  
**To:** Armstrong, Kathy  
**Subject:** FW: Exide Technologies FOIA EPA-R4-2017-005642

*Marlene Tucker*

**From:** Taylor, Kevin  
**Sent:** Monday, April 10, 2017 9:17 AM  
**To:** Carlton-Carew, Njeri <carlton-carew.njeri@epa.gov>; Waterson, Sara <Waterson.Sara@epa.gov>; Febres, Andres <febres-martinez.andres@epa.gov>; Benjamin, Lynorae <benjamin.lynorae@epa.gov>; Tucker, Marlene <Tucker.Marlene@epa.gov>; Gala, Chetan <Gala.Chetan@epa.gov>  
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**Subject:** RE: Exide Technologies FOIA EPA-R4-2017-005642

Hello All,

I am so sorry for being so late in making this correction. However, Chetan Gala is the Tennessee contact for air enforcement. Please substitute his email for mine in future communications for this Exide facility.

Thanks.

Sincerely,



**Kevin I. Taylor**  
Environmental Engineer  
U.S. EPA Region 4  
Air Enforcement Section, 12<sup>th</sup> Floor  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
(404) 562-9134  
(404) 562-9163 (fax)  
Email: [taylor.kevin@epa.gov](mailto:taylor.kevin@epa.gov)

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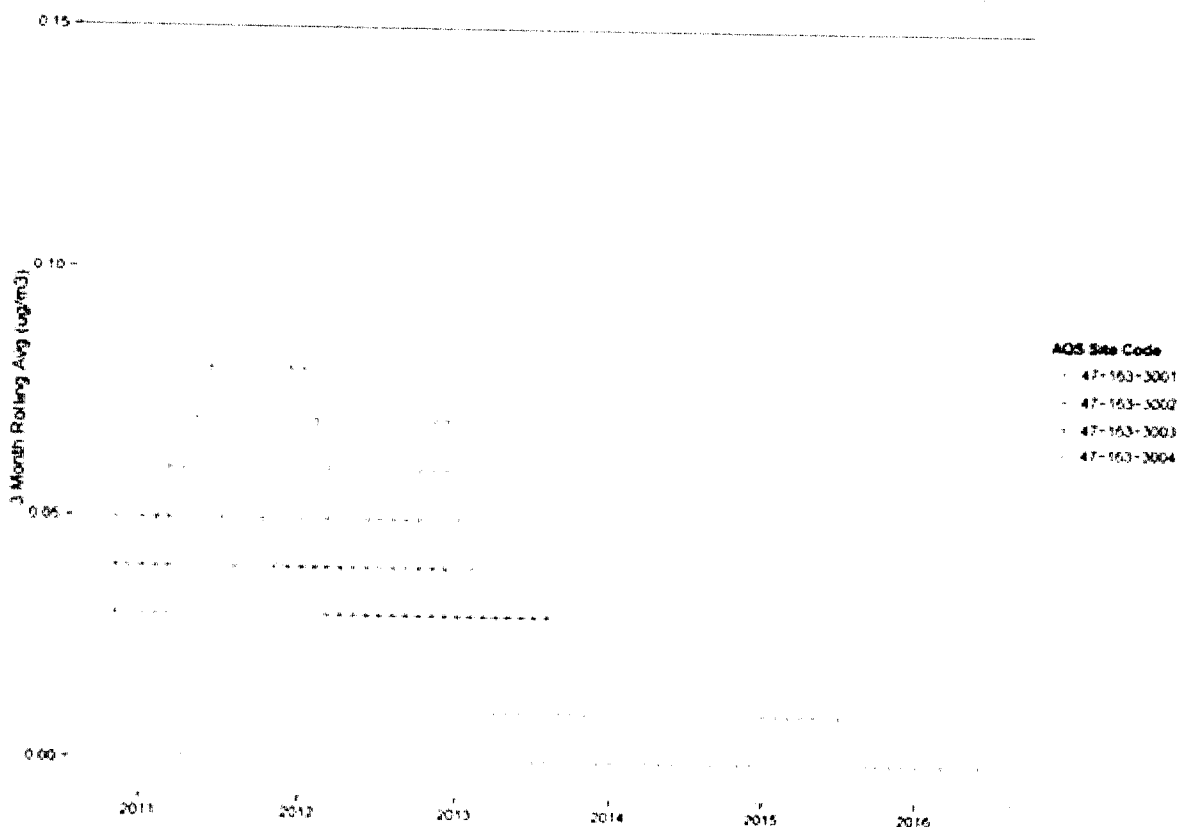
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Bristol, TN 3-Month Rolling Avg  
Pb Concentrations 2011-2016



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This facility is considered to be a Conditional Major by TN APC Board.  
This similar to SM80 designation for USEPA.

I have pulled ECHO information for this facility. We may have some electronic information dealing with HPV/Watch-list.  
If so, we may have to redact it as it may contain information for other facilities/sources.

I should have this information by COB.



RE: Exide  
Technologies FO...